

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION 1975
SPECIAL SESSION 1975
SECOND SPECIAL SESSION 1975
THIRD SPECIAL SESSION 1975
REGULAR SESSION 1975
FOURTH SPECIAL SESSION 1975
IN FOUR VOLUMES
VOL. III



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
PIERRE PELHAM, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
ROBERT T. CROWE, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1975 Special Sessions and the 1975 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

SKINNER PRINTING COMPANY
INDUSTRIAL TERMINAL
MONTGOMERY, ALABAMA

Act No. 689

H. 1681—Brindley, Jolly

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Snead, in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Snead in Blount County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 35, Township 10 South, Range 2 East; the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ and S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, Township 10 South, Range 2 East; that part of the S $\frac{1}{2}$ of Section 25, Township 10 South, Range 2 East lying south and west of the Locust Fork of the Black Warrior River, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and that part of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 36, Township 10 South, Range 2 East, lying south and west of the Locust Fork of the Black Warrior River, all that part of the S $\frac{1}{2}$ of Section 31, Township 10 South, Range 3 East lying south of the Locust Fork of the Black Warrior River, the NW $\frac{1}{4}$ and all that part of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East, lying south of Locust Fork of the Black Warrior River and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, Township 11, Range 2 East, lying South of Locust Fork of the Black Warrior River, all of said lands being more particularly described as commencing at the NE corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East; thence west to the NW corner of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence south to the SW corner of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west along the south line of the NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East to the SW corner; thence north along the west line of the NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East to the NW corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East; thence west along the south line of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, Township 11 South, Range 2 East to the SW corner thereof; thence north along west line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ to the NW corner thereof, thence along south line of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, Township 10 South, Range 2 East to the SW corner thereof; thence north along the west line of the SE $\frac{1}{4}$ of Section 36, Township 10 South, Range 2 East, to the NW corner of said SE $\frac{1}{4}$; thence west along the north line of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, Township 10 South, Range 2 East to the NW corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence north along the east line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 10 South, Range 2 East to the NE corner of said

SW $\frac{1}{4}$ of NW $\frac{1}{4}$; thence west along the north line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, and the north line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 35, Township 10 South, Range 2 East to the NW corner of said S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 35, Township 10 South, Range 2 East; thence south to the SE corner of the NW $\frac{1}{4}$ of Section 35, Township 10 South, Range 2 East; thence west along the south line of said NW $\frac{1}{4}$ to the SW corner of said NW $\frac{1}{4}$ of Section 35, thence north along the west line of said NW $\frac{1}{4}$ to the NW corner of Section 35, Township 10 South, Range 2 East; thence continue north along the west line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 10 South, Range 2 East to the NW corner; thence east along the north line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ and S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, Township 10 South, Range 2 East to the east line of Section 26, Township 10 South, Range 2 East; thence north along the west line of the SW $\frac{1}{4}$ of Section 25, Township 10 South, Range 2 East to the center of the Locust Fork of the Black Warrior River; thence to the right and following the center of the Locust Fork of the Black Warrior River in an easterly direction, southwesterly direction, southeasterly direction, easterly direction, southerly direction, southwesterly direction, southeasterly direction, southwesterly direction to the north line of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, Township 11 South, Range 2 East; thence east along the north line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, Township 11 South, Range 2 East to the northeast corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence south along the east line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, to the centerline of Locust Fork of the Black Warrior River; thence in a northeasterly direction along the centerline of the Locust Fork of the Black Warrior River, thence east, thence south, thence southeasterly to the center line of Pearman Drive; thence in a southwesterly direction along the centerline of Pearman Drive to the east line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, Township 11 South, Range 3 East which is the original city limits line, and point of beginning.

Also: The S $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 1, Township 11 South, Range 2 East, the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, of Section 2, Township 11 South, Range 2 East, S $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, Township 11 South, Range 2 East; SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, Township 10 South, Range 2 East. All of said property lying, being and situated in Blount County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its other-

wise becoming a law.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 690

H. 1683—Sasser

AN ACT

To authorize and direct the Board of Education of Dale County to determine and fix the annual salary to be paid the Superintendent of Education, commencing at the beginning of the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Dale County is hereby authorized and directed to determine and fix the annual salary of the Superintendent of Education commencing at the beginning of the next term of office, and the beginning of each succeeding term of office.

Section 2. The superintendent's salary shall be set at the discretion of the Board of Education with the index range of 1.9 to 2.2 of the current salary schedule for teachers holding the same degree, certification level, and experience.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 691

H. 1703—Shelton, Merrill

AN ACT

To amend Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, 3489) entitled An Act to provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board, and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 5, 6, 7, and 16 of Act No. 2182 H. 2753 of the Regular Session of 1971 (Acts 1971, 3489) is hereby amended to read as follows:

“Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) the secretary of the chief executive officer of the city; (i) any employees at a hospital or nursing home, whether operated by the city or by any municipal authority or board of the city.

“Section 5. There is hereby created the Civil Service Board of the City of Jacksonville, which shall be composed of five members appointed by the senator and representative representing Jacksonville. The following groups shall each submit the names of three nominees to the senator and representative:

- “1. All employees of the street sanitation department.
- “2. All employees of the gas and water department.
- “3. All employees of the police and fire department.
- “4. The Mayor and City Council.

“The Senator and Representative representing Jacksonville shall appoint one member from the nominees submitted by each group, and one other member at large. Each appointee shall serve for terms of six years or until his successor is appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Jacksonville and over the age of twenty-five years.

“Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

"Section 6. The chairman of the board shall be paid sixty-five dollars (\$65.00) per month, the co-chairman shall be paid fifty-five dollars (\$55.00) per month and all other members of the board shall be paid fifty dollars (\$50.00) per month. Board members shall be paid by the City of Jacksonville. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

"Section 7. The board shall fix the times for its regular meetings, and it must hold at least one regular meeting each month; it may also hold special, adjourned, or called meetings at any time. Members of the board in attendance at special or called meetings shall receive ten dollars (\$10.00) for attendance; however board members shall not be paid for more than two (2) special or called meetings in any calendar month. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

"Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationery."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 692

H. 1793—Greer, Hill

AN ACT

Relating to Lauderdale County; to authorize the state highway department to use county road funds to maintain public cemetery roads.

Be It Enacted by the Legislature of Alabama:

Section 1. The State highway department is hereby authorized to use road funds dedicated to the maintenance and improvement of roads in Lauderdale County for maintenance

of roads leading to or being within public cemeteries in Lauderdale County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 693

S.J.R. 131—Little

SENATE JOINT RESOLUTION

COMMENDING DEAN PIERCE FOR 20 YEARS AS DEAN OF EDUCATION AT AUBURN.

WHEREAS, Dean Truman N. Pierce relinquished his Deanship of the School of Education at Auburn University on August 31, 1975 and after 20 years of outstanding service; and

WHEREAS, this fine friend, colleague and distinguished educator of Auburn University will be honored on October 10, 1975 at a recognition Banquet in Birmingham; and

WHEREAS, This body wishes to honor Dr. Pierce upon his dedicated and loyal service to Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dean Pierce for his fine accomplishments and wish him the best of luck upon his retirement from Auburn.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dean Pierce.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 694

S.J.R. 134—Foshee

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA COUNTRY GOSPEL MUSIC ASSOCIATION

WHEREAS, the vast majority of Alabamians enjoy and appreciate country gospel music; and

WHEREAS, the Alabama Country Gospel Music Association has promoted country gospel music since its establishment on April 21, 1971, in Swearingin, Alabama; and

WHEREAS, the Alabama Country Gospel Music Association holds an annual celebration to commemorate this distinctive form of music and the Association is in the process of building an auditorium and Hall of Fame; and

WHEREAS, the purpose of the Alabama Country Gospel Music Association is to promote the recognition and discovery of young and new talent in the country gospel music field and the Association presently consists of some 24 country gospel groups;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the aforementioned services of the Alabama Country Gospel Music Association by designating their Association as the official country gospel music association for the State of Alabama and further recognize this group and field of music by setting aside the month of May of each year as Country Gospel Music Month in Alabama, the first week thereof set aside as convention week and urge the Governor to proclaim its observance in Alabama from this time forth; and

BE IT FURTHER RESOLVED THAT THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, does hereby recognize and commend the following officials of the Association for outstanding service in this regard:

James Holland, President

W. B. "Papa Bill" Leggett, Assistant President

Mefford Cobbs, Vice President

Johnny McAlister, Vice President

James A. Sasser, Vice President

O. J. Willmon, Vice President

Lummie Speakman, Vice President

Emily Holland, Treasurer

Beatrice Lasater, Treasurer

Brenda Robinson, Secretary

Francis Leggett, Hall of Fame Committee

Faye Cobbs, Hall of Fame Committee

Lois Potts, Hall of Fame Committee.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 695

S.J.R. 137—Fine

SENATE JOINT RESOLUTION

MOURING THE DEATH OF FORMER REPRESENTATIVE D. C. ("DEACON") GREY.

WHEREAS, the Alabama Legislature notes with a sense of deep regret the death of former State Representative D. C. ("Deacon") Grey on September 22, 1975; and

WHEREAS, Representative Grey was born December 18, 1922, in Bankston, Alabama; and

WHEREAS, Mr. Grey had served since October 1, 1973 as Tax Collector of Fayette County and was a member of the House of Representatives from 1971 to October 1, 1973, and was the former Mayor of Berry; and

WHEREAS, this public servant used his talents for the betterment of the citizens of his community and state; and

WHEREAS, this prominent and influential leader was a World War II Army Veteran, past president of the Lions Club, and a member of the American Legion, the Masons, and the Baptist Church; and

WHEREAS, "Deacon's" generosity, quick wit and good humor attracted friends whose number are legion; and

WHEREAS, Representative D. C. ("Deacon") Grey is survived by his wife, the former Marie Brasher of Bankston, and by his four sons, Mitchell, Tony, Danny and Jimmy; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING. That we mourn the death of our good friend and former colleague, and extend our sincere sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 696

H. 1389—McCluskey

AN ACT

Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector, the tax assessor, and the circuit clerk of Coosa County shall each be entitled to, and shall receive, a monthly expense allowance, in addition to any and all salary, expense allowance, or other compensation now payable to such persons, of \$250.00, payable in monthly installments from the general fund of such county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repelaed.

Section 4. This Act shall become effective February 1, 1975.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 697

H. 1601—Turnham, Higginbotham, Whatley,
Carothers, Sandusky, Smith (C).
Wyatt, Cates

AN ACT

To provide for the partial participation of employees of the Co-operative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Any law to the contrary notwithstanding, the governing board of Auburn University may, by resolution legally adopted, elect to have its employees from whatever sources and in whatever manner paid, become eligible to participate in the Employees' Retirement System of the State of Alabama under the provisions of Act 515, H. 93, Regular Session 1945 (Acts 1945, p. 741, as now appearing in the Code of Alabama Recompiled 1958, Title 55, Section 467) provided that all contributions and benefits shall be computed based on a percentage, not to exceed fifty percent (50%), of each employee's total

salary; and provided further that such percentage shall be expressly stipulated in the aforesaid resolution and that the resolution must expressly state that such percentage shall be applied uniformly to all employees covered thereunder. The funding responsibility of the employer, and, the resolution referred to above as it relates to the percentage stipulated shall not be subject to alteration, amendment, transfer, or other change unless such authority is specifically and clearly granted by an enactment of the Legislature of Alabama which specifically and expressly names the employees of the Cooperative Extension Service at Auburn University under Federal appointment. The term "employee or employees" as herein used is defined as those persons performing their duties for the Cooperative Extension Service at Auburn University who are under Federal appointment to said Cooperative Extension Service. Members of the Employees' Retirement System who participate in said System under the provisions of this Act shall participate and receive benefits under the same conditions as other members of said System, provided the basis for all computations shall not exceed fifty percent (50%) of each employee's total salary notwithstanding such member's coverage under Federal Civil Service Retirement.

SECTION 2. Anything in this Act to the contrary notwithstanding, any employee hereunder, who subsequent to his participation in the Employees' Retirement System under the provisions of this Act assumes regular employment with the State or with any employer unit participating in the Employees' Retirement System, or the Teachers' Retirement System, shall be entitled to count as creditable service only so much of each such year's service as is in the same proportion with the percentage of his salary contributed upon for such year.

SECTION 3. The provisions of this Act are supplemental and shall not be construed to repeal any laws not in direct conflict therewith.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1975.

Time: 3:00 P.M.

Act No. 698

H. 1853—Baker, Whatley

AN ACT

To provide for and prescribe the form of government for any city

having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census shall become organized under the commission form of government according to the provisions of this Act.

Section 2. The provisions of this Act shall become operative in any city coming within its purview only if approved by a majority of the electors of the city voting in a referendum to be held in such city on the first Monday after the 30th day following the passage of this Act, or on the first Monday after the 30th day following the date on which such city comes within the purview of this Act. The Judge of Probate of the county wherein such city is located shall order and provide for the holding of the referendum on such date, the expense of such referendum to be paid by such city. The form of the ballots to be used at the election shall be substantially as follows: "Please vote for one of the following alternatives: Shall the provisions of Act No. _____, of the 1975 Regular Session of the Legislature, approved the _____ day of _____, 19_____, which provides for and prescribes the form of government for cities having populations of not less than 23,000 nor more than 27,000 become effective immediately following the proclamation of the results of this referendum? () OR, Shall the provisions of Act No. _____, of the 1975 Regular Session of the Legislature, approved the _____ day of _____, 19_____, which provides for and prescribes the form of government for cities having populations of not less than 23,000 nor more than 27,000 become effective immediately upon the expiration of the terms of the present elected city officials? ()". If a majority of the votes cast in the election favor the first alternative, the provisions of this Act shall become operative immediately. If a majority of the votes cast favor the second alternative the provision of this Act shall become operative immediately upon the expiration of the terms of the present elected city commissioners. The city clerk of each such city shall notify the Secretary of State of the results of such election.

Section 3. Immediately after the provisions of this Act become operative as provided for in Section 2 of this Act, the Judge of Probate of the County wherein such city is located shall forthwith call an election to be held under and to be governed by the general election laws of Alabama pertaining to

municipal elections, the expense thereof to be paid by such city, for the election of three commissioners by the qualified electors of the city. If a majority of the votes are cast in favor of the first alternative provided for in Section 2 hereof, then such election shall be held on the first Monday following the 30th day after the provisions of this Act become operative as to such city. If a majority of the votes are cast in favor of the second alternative provided for in Section 2 hereof, then such election shall be held on the third Tuesday in August, 1977. The three commissioners shall be elected to offices designated by number: Place No. 1, Place No. 2, and Place No. 3, respectively, and these designations shall be shown on the ballot prepared for such election. Place No. 1 shall be for a term of one year; Place No. 2 for a term of two years; Place No. 3 for a term of three years: Any person desiring to become a candidate shall file a statement with the Probate Judge designating the office for which he desires election and which statement shall otherwise be in the form prescribed in Section 63 of Title 37 Code of Alabama 1940. At such election, each voter shall vote for only one candidate for each office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of such votes for the office for which he is a candidate, another election shall be held on the same day of the second week thereafter following for said office at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. The terms of office of such persons so elected shall commence immediately upon their election and qualification, and such persons shall hold office until the first Monday in October of the year in which their term expires and until their successors are elected and qualified. An election shall be held on the third Tuesday in August of each succeeding year thereafter for the member of the commission whose term shall expire in that year. the commissioner then elected shall hold office for a term of three years from the first Monday in October of said year, and until his successor shall be elected and qualified for office all as provided in Act No. 664, (S. 133) Regular Session 1961, approved September 6, 1961.

Section 4. As soon as the three commissioners shall have qualified for office, then such city shall at that time and thereby be and become organized under the commission form of government as provided under Title 37, Sections 43 - 88, Code of Alabama 1940, as amended or as may hereafter be amended, and the form of government existing at that time shall then be abandoned.

Section 5. All other general laws of this state pertaining to the commission form of government as provided herein and those regulating and prescribing the conduct, duties, and powers of the board of commissioners of any city under such commission form of government shall apply to any city commission hereunder.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws and portions thereof in conflict with the provisions hereof are hereby repealed. Act No. 52 (H. 302), Regular Session 1971, approved June 30, 1971, and Act No. 1173, (H. 1884), Regular Session 1971, approved September 7, 1971, are hereby specifically repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 5:15 P.M.

Act No. 699

H. 1466—Moore (O), Waggoner

AN ACT

To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of taxes, rates, fees and charges for such services, to constitute such taxes, fees and charges a debt of and claim against those owning property or residing within the District and a lien upon the property in the District; to provide penalties for non-payment; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms when used or referred to in this act shall have the following meanings respectively unless a different meaning clearly appear from the context:

“Board of Directors” shall mean the board of directors or other governing body of the District.

“County” shall mean Shelby County.

"County Commission" shall mean the present governing body of Shelby County and any successor to its functions and duties.

"District" shall mean a public corporation created pursuant to this act.

"Residence" shall mean a building in the Territory occupied as the place of domicile of any family. Any single family dwelling whether located in a duplex, apartment or housing project or complex, shall be considered a residence. A single room in a hotel, boarding or rooming house shall not be considered a residence.

"Services" shall mean any one or more of the following, which shall be stated as the purpose of the District in its certificate of incorporation: the fighting and prevention of fires; the supply of water; the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes; the operation of emergency medical services, including rescue and ambulance services; the guarding and protection of lives and property; and such other local services as shall be approved by the County Commission for inclusion in the certificate of incorporation.

"Territory" shall mean the area included in and served by the District, as stated in its certificate of incorporation.

Section 2. Requisites for Incorporation. The citizens of any area in the County in which as many as 200 Residences are located may be incorporated as a District under this act. All or any part of the area within the corporate limits of an incorporated municipality may be included in the Territory of the District, but such Territory shall not include any such area within the corporate limits unless the governing body of such municipality shall have adopted a resolution consenting to such inclusion.

Section 3. Petition for Incorporation. Any fifty or more qualified electors residing within the Territory proposed to be included in a District may petition the County Commission to cause a District to be incorporated and organized under this act. The petition shall be in writing, shall describe the Territory to be included in the District, shall state that at least 200 Residences are located within the Territory, and shall have attached thereto the proposed certificate of incorporation and, if the Territory includes any area within the corporate limits of an incorporated municipality, the resolution of the governing body of such municipality consenting to the inclusion of such area in the Territory of the District.

Section 4. Certificate of Incorporation. The proposed certificate of incorporation shall state the following:

a. The name of the District, which shall be "The _____ (a numerical designation of the District or a name which generally designates the Territory) _____ (a brief description of the principal Services to be rendered) District of Shelby County";

b. The legal description of the Territory of the District;

c. The Services to be rendered;

d. The location of the principal office, which shall be at the county Court House; and

e. A blank space left for the insertion by the County Commission of the names and terms of office of the initial members of the Board of Directors.

One of the persons who presents and files the petition with the County Commission shall attach thereto an affidavit that the signatures on the petition are the genuine signatures of the persons who signed their names thereto, that they are qualified electors resident in the Territory and that within the Territory are located at least two hundred Residences.

Section 5. Submission of Question. If a petition shall have been filed with the County Commission and the County Commission shall have determined that the representations therein are true and that it is wise, expedient or necessary that the District be incorporated, it shall call an election and shall cause the question:

"Shall the citizens of _____ (describe generally the Territory), more particularly described in a petition filed with the County Commission of Shelby County, be incorporated as the _____ District of Shelby County, to provide the following Services: _____ in such Territory?"

to be submitted to the determination of the qualified electors resident in the Territory of the District at such election. If the petition shall have been filed not more than sixty days and not less than thirty days prior to any general county or state election, the election shall be held along with such general county or state election; but if the petition shall not have been filed so as to permit the question to be submitted at a general county or state election to be held not more than sixty days nor less than thirty days prior to any general county or state election, the County Commission shall at its next regular meeting succeeding the filing of the petition, call a special election to be held on a designated date, which day shall not be less than thirty days nor more than sixty days from the date of such regular meeting.

Section 6. Election Laws Apply; Appropriation for Expenses. The provisions of the election laws providing for the registration of voters, equipment of polling places, furnishing of supplies, appointment of election officers, absentee ballots, voting and canvassing of returns and declaration of results at a county election, shall apply to such election. The County Commission is authorized to appropriate such funds as are required to pay expenses of such election.

Section 7. Publication of Notice and Conduct of Election. The Judge of Probate shall cause notice of the filing of the petition and the question to be submitted to be published at least once on the same day of each week for three consecutive weeks in a newspaper published or of general circulation in the Territory. If no such newspaper is published or circulated in the Territory, such notice shall be posed in three public places in the Territory, at least 3 weeks before the election. The determination of the County Commission as to whether or not a newspaper is published or circulated in the Territory shall be conclusive.

Section 8. Form of Ballot. The question shall be printed on the ballots and on the voting machine counters. Beside the question there shall be placed the voting squares or voting levers, with the word "Yes" for voting for the question so submitted, and the word "No" for voting against the question so submitted.

Section 9. Canvass of Returns and Declaration of Results. The returns of the election shall be canvassed and the results declared by the Election Commission of the County and a copy of such declaration shall be filed with the County Commission. At the regular meeting of the County Commission next succeeding the completion of the canvass of returns and declaration of results of the election, the County Commission shall adopt a resolution setting forth the question submitted at the election, the number of votes cast for the question and the number of votes cast against the question. If the number of votes cast for the election exceeds the number of votes cast against the question at such election, such resolution shall declare the citizens of Shelby County who are inhabitants of the Territory to be incorporated under the name set forth in the petition and the proposed certificate of incorporation. At such meeting the County Commission shall appoint the first members of the Board of Directors of the District as hereinafter provided.

Section 10. When District Deemed Incorporated. The citizens of the County who are inhabitants of the Territory with respect to which an election shall have been held and the results shall have been declared in favor of the question submitted, shall become and be an incorporated District under this act from and after the date of adoption of the resolution of the

County Commission declaring that such citizens be so incorporated. Within three days after the adoption of such resolution by the County Commission, a certified copy thereof together with a copy of the certificate of incorporation executed by the first members of the Board of Directors appointed by the County Commission shall be filed in the office of the Judge of Probate of the County and recorded by him in incorporation records and a copy shall be transmitted to the Secretary of State.

Section 11. Board of Directors. The County Commission shall appoint three persons who reside in the Territory as members of the Board of Directors or governing body of the District at the meeting at which the District is declared to be incorporated. The term of office of the initial members of the Board of Directors shall be one, two and three years respectively and thereafter the term of office of each member shall be for three years. Members shall hold office until their successors are appointed and qualify. Any vacancy shall be filled by appointment by the County Commission for the unexpired term. The County Commission may remove any member of the Board of Directors within the term for which he shall have been appointed after giving to such member a copy of the charges against him and an opportunity to be heard in his defense. The action of the County Commission in removing any member shall be final and nonreviewable.

Section 12. Organization of Board of Directors; Officers. The three members of the Board of Directors initially appointed by the County Commission and named in the certificate of incorporation shall meet as soon as practicable after the certificate of incorporation shall have been filed as provided in Section 10 of this act and they shall organize. At such meeting and at the first meeting in each fiscal year of the District thereafter, the members of the Board of Directors shall choose from their number a president and a vice president. They may also choose a secretary and such assistant secretaries, and other officers as are provided for in its bylaws, but none of such officers shall be required to be a member of the Board of Directors. The County Treasurer or County Depository of the County shall be treasurer or depository of the District.

Section 13. Compensation of Members and Employees. The Board of Directors may delegate to one or more of its members, or to its agents or employees, such powers and duties as it may deem proper and fix the compensation of such agents or employees; provided, however, that the members of the Board of Directors shall not be entitled to any compensation for their services, but they may receive reimbursement for expenses incurred in the performance of their duties.

Section 14. Enlargement of Services. The District shall

not provide any of the Services not designated in its certificate of incorporation unless the additional Services shall have been submitted to and approved by the electors of the Territory of the District. If the Board of Directors of the District shall by resolution request the County Commission to submit the question of furnishing such additional Services, or if a petition signed by fifty or more qualified electors residing within the Territory requesting the submission of such question and executed as provided in the case of petitions for the submission to vote on the question of incorporating a District under this act shall be filed with the County Commission, the County Commission shall, if it determines that it is wise, expedient or necessary that the certificate of incorporation be amended to include such Services, call an election for the submission of the question at a special election in the Territory to be held not less than thirty nor more than sixty days after the adoption of such resolution or the filing of such petition or at the next general election in the County or State if the same is to be held not less than thirty nor more than sixty days after such filing. The mode or method of procedure for the submission of such question, the publication of notice of the election, the conduct of the election, and the canvassing of returns and declaration of results shall conform as nearly as may be practicable to the mode or method of procedure for the submission of the question of the incorporation of such District at an election as hereinabove provided. If the number of votes cast in favor of the furnishing of such additional services exceeds the number of votes cast against the furnishing of such additional services, the County Commission shall adopt a resolution declaring such result and the president or vice president of the District shall execute a certificate of amendment stating that the certificate of incorporation of the District has been amended to include authority to engage in such additional Services, and he shall file such certificate of amendment and a copy of the resolution of the County Commission within three days after the County Commission shall have declared that the election resulted in favor of the amendment, in the office of the Judge of Probate of the County, where it shall be recorded in incorporation records, and a copy shall be transmitted to the Secretary of State.

Section 15. Diminution of Services. The services of the District shall not be diminished so as to exclude the furnishing of any of the Services authorized in its Certificate of Incorporation or an amendment thereto unless and until all bonds issued by the District pursuant to this act and interest and premium, if any, thereon, shall have been paid or discharged, except with the consent of the holders of all bonds then outstanding which are secured in whole or in part by a pledge of the revenues derived from the furnishing of the Services to be excluded. Thereafter such Services may be diminished and the mode or

method of procedure for the diminishing of such Services shall conform as nearly as may be practicable to the provisions of this act relative to the manner of enlarging the Services of the District. The County Commission shall call and conduct elections on the question of such diminution. If the number of votes cast in favor of the reduction or diminution and Services exceeds the number of votes cast against the diminution of such Services at such election, the County Commission shall adopt a resolution declaring such result and the president or vice president of the District shall execute a certificate of amendment stating that the certificate of incorporation of the District has been amended by the deletion of authority to engage in such Services, and he shall, within three days after the County Commission shall have declared that the election resulted in favor of the deletion of the Service, file such certificate of amendment and a copy of the resolution of the County Commission in the office of the Judge of Probate of the County, where it shall be recorded in incorporation records, and a copy shall be transmitted to the Secretary of State.

Section 16. Limitation on Elections. Not more than one election shall be held in any Territory upon the question of enlarging or diminishing services in any period of two years and not more than two years and not more than two elections shall be held upon the question of incorporating a District embracing all or any substantial portion of the same Territory in any period of two years.

Section 17. Corporate Purpose of District and General Grant of Power. Each District incorporated under this act is hereby vested with all power necessary or desirable for the performance of the Services stated in the certificate of incorporation of the District which are capable of being delegated by the Legislature of the State of Alabama. Without limiting the generality of the foregoing, each District shall have the power to acquire, construct, reconstruct, extend, improve and maintain and operate any plant, works, systems, facilities or properties together with all parts thereof and appurtenances thereto, used or useful in the performance of the Services authorized in its certificate of incorporation. The District is empowered to do all acts necessary, proper, or convenient in the exercise of the powers granted by this act.

Section 18. Grant of Specific Powers. Each District incorporated under this act shall have power: to sue and be sued; to have a seal and alter the same at pleasure; to acquire, by purchase, gift, devise, lease or exercise of the power of eminent domain, or other mode of acquisition, hold and dispose of, and grant options with respect to the property, real and personal, tangible and intangible, and any interest therein, in

its own name, subject to mortgages or other liens or otherwise and to pay therefor in case or on credit, and to provide for and secure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine; to make and enter into contracts, indentures of trust, leases and bonds; to borrow money and to issue negotiable bonds and promissory notes and provide for the rights of the holders thereof; to fix, maintain, alter from time to time and collect reasonable taxes, rates, fees and charges for any Services; to pledge all or any part of its revenues; to constitute such taxes, fees and charges a debt and claim against those residing or owning property within the District and a lien upon the property within the District; to cut off and refuse Services to any person or property when the fee or charge for such service has not been paid; to make such covenants in connection with the issuance of bonds or notes or in order to secure the payment of notes or bonds, that a private business corporation can make under the general laws of the State, notwithstanding that such covenants may operate as limitations upon the exercise of any of the powers granted by this act; to enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations; to perform any and all acts and do any and all things by contract or contracts, or under, through or by means of its own officers, agents and employees; to pay to the County the proportionate cost of any shared service; to purchase, produce or otherwise secure such property and services as it requires in the furnishing of the Services; to exercise all powers of eminent domain now or hereafter conferred on counties in the State; provided, however that the District shall not borrow money, purchase in any one fiscal year more than \$5,000 of property or services on credit, or issue any bonds or promissory notes without the prior approval of the County Commission expressed by resolution duly adopted by it.

Section 19. Moneys of District. All moneys of the District from whatever source derived, shall be paid to the treasurer or depository of the County and shall be held by him or it in a separate and special account for the use and benefit of the District. The moneys in said account or accounts shall be paid out on check or warrant of the treasurer or depository on requisition of the Board of Directors or such other person or persons as the District may authorize to make such requisitions. All deposits of such moneys shall, if required by the Board of Directors of the District or by the County Commission, be secured in the same manner as deposits of County funds. This section shall not be construed as limiting the power of the District to agree as to the custody or disposition of moneys or revenues for the security of its bonds or notes; provided, however, that the moneys of the District shall not

be entrusted to any person, firm or corporation unless adequate security for its protection shall be given.

Section 20. Fiscal Year of the District. Audit of Books. The District shall have a fiscal year beginning October 1 and ending September 30 of the next succeeding year. The County Commission shall require an annual audit of the records and books and accounts of the District, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. A copy of the report of audit shall be furnished to the Board of Directors and the County Commission and a copy shall be kept available in the County Courthouse for public inspection. The trustee or trustees of the holders of any outstanding bonds may require a special audit and examination of the books, records and accounts of the District. Each audit required by this section shall be at the expense of the District.

Section 21. Bonds of the District. Bonds of each District shall be authorized by resolution of the Board of Directors and may be issued in one or more series, may bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, whether in excess of the general laws limiting the rates of interest or governing usury or not, be in such denomination or denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, within or without the State of Alabama, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolution or resolutions may provide. Such bonds may be issued for money or property, at public or private sale for such price or prices as the Board of Directors shall determine. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of such bonds. Such bonds may be purchased by the District out of any funds available for such purpose at a price not greater than the principal amount thereof and accrued interest, and all bonds so purchased shall be cancelled.

Section 22. Liability on bonds and other obligations. No bond or other obligation of any District incorporated under this act shall be a debt or obligation of the State of Alabama, the County or any municipality in the County: and neither the State, nor the County nor any municipality in the County shall be liable in any way whatsoever thereon, nor shall the holder of any such bond or obligation compel the levy of any taxes for its payment. Said bonds shall not be payable out of any funds other than those of the District issuing the same and each bond shall contain a recital to that effect. Neither

the members of the Board of Directors nor any person executing such bond or obligation shall be liable personally thereon by reason of the issuance thereof.

Section 23. Rights and Remedies of bondholders. In addition to all other rights and all other remedies provided by law, the holder or holders of any bond or bonds of any District including the trustee or trustees for bondholders shall have the right, subject to any contractual limitations binding upon such bondholder or holders or trustee, and subject to the prior or superior rights of others: to sue on the bonds; by mandamus or other suit, civil action or proceedings, to enforce his rights against the District, including the right to require the District to fix, alter and collect rates, fees and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, and to require the District to carry out any other covenants and agreements with such bondholder and to perform its and their duties under this act; by civil action to require the District to account as if it were the trustee of an express trust for such bondholder; by civil action to enjoin any act or thing which may be unlawful or in violation of the rights of such bondholder; by civil action or proceeding in any court of competent jurisdiction, to obtain in the event of default by the District in the payment when due of his or their bond or bonds or interest thereon, the appointment of a receiver of the property of the District or any part or parts thereof, and such receiver may enter and take possession of such property or any part or parts thereof; and such receiver may engage in furnishing the Services, operate and maintain the property and facilities of the District, fix, alter, and collect rates, fees and charges for the Services, and receive all revenues thereafter arising therefrom in the same manner as the District itself might do; foreclose liens on property to secure the payment of charges for the Services; and shall deposit such moneys in a separate account or accounts and apply the same in accordance with the obligations of the District as the court shall direct.

Section 24. District as independent instrumentality. This act is intended to aid the State and the County in the execution of their duties by providing appropriate and independent instrumentalities in the County with full and adequate power to fulfill their functions. Except as in this act otherwise expressly provided, except for such approval by the Alabama Water Improvement Commission, if any, as may be required by Act No. 1260 enacted at the 1971 Regular Session of the Legislature of Alabama and except for such approval by the State Board of Health, if any, as may be required by Act No. 1127 enacted at the 1969 regular session of the Legislature of Alabama, it shall not be necessary for any District to

obtain, prior to engaging in furnishing the Services, or acquiring, constructing, reconstructing, improving, or extending any plant or system or facilities, required for the Services of the District, any certificate of convenience and necessary, franchise, license, permit or any other authorization from the State or the County or any board, bureau, commission, department or other agency thereof.

Section 25. Agreement of State. The State of Alabama does hereby pledge to and agree with the holders of all bonds and notes issued by any District pursuant to this act that the State will not limit or alter the rights and powers hereby vested in the District to fix, alter and collect such rates, fees and charges as may be necessary or desirable in order to produce sufficient revenue to meet all the expenses of maintenance and operation and to fulfill the terms of any agreement made with the holders of such bonds, until such bonds, together with interest and the premium, if any, thereon, and any interest on any unpaid installments of interest and all costs and expenses in connection with any suits, actions or proceedings filed on behalf of such bondholders, shall have been fully paid and discharged.

Section 26. Act Complete In Itself. Any District incorporated under this act shall be governed exclusively by the provisions of this act insofar as the subject matter of this act is concerned.

Section 27. Severability. If any section, portion, provision, or clause shall be held illegal, unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions of this act shall nevertheless stand and be construed as if such illegal, unconstitutional or invalid portion, section or clause had not been included herein.

Section 28. Effective Date. This act is intended to implement and shall become effective upon the ratification of the constitutional amendment submitted by the Legislature at the present regular session thereof to authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Shelby County as public corporations to provide local public services, including fighting and prevention of fires, furnishing water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services, and the guarding and protection of lives and property.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 700

H. 1535—Clark

AN ACT

Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission in all counties having populations of 10,660 inhabitant or less according to the most recent federal decennial census is hereby provided an additional expense allowance of two hundred dollars per month to be paid out of the county general fund. Said allowance shall be in addition to any and all other salary, compensation or expense allowances provided by law.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 701

H. 1636—Plaster

AN ACT

To alter or rearrange the boundary lines of the Town of Lowndesboro, Lowndes County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndesboro, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Lowndesboro, Alabama, Lowndes County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Lowndesboro and in addition thereto the following described territory, to-wit:

North half of Southwest quarter, Section 13 T 15 N, R 14 E, SE $\frac{1}{4}$ or SW $\frac{1}{4}$, Section 13 T 15 N, R 14 E, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 13, T 15 N, R 14 E, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 24, T 15 N, R 14 E S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 12 T R.

Section 2. That this act shall become effective upon its

passage and approval by the Governor, or its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 702

H. 1637—Teague

AN ACT

To provide for the salaries and expense allowances of the circuit clerk and register of the circuit court in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Section 2. The clerk of the circuit court of such counties shall be entitled to a salary of Seventeen Thousand Dollars (\$17,000) per annum and the register of said court shall be entitled to a salary of Fifteen Thousand Five Hundred Dollars (\$15,500.00) per annum, payable in equal monthly installments from the general fund of such counties.

Section 3. In addition to any and all other compensation and expense allowances now provided by law, the clerk and the register of the circuit court of such counties shall each be entitled to an expense allowance of Fifteen Hundred Dollars (\$1,500) per annum, payable in equal monthly installments out of the general fund of said county.

Section 4. The salaries provided herein in Section 2 shall become effective upon the expiration of the terms of office held by the incumbent office holders enumerated herein in Section 2, and all expense allowances now provided, including those in Section 3 shall thereupon stop.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective on the first day of the month following its passage and approval by the Governor

or upon its otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 703

H. 1639—McCluskey, Teague

AN ACT

To provide for the salaries of the clerical assistant to the district attorney and the court reporters in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Section 2. The clerical assistant to the district attorney in such counties shall be entitled to a salary of not less than \$7,200 nor more than \$9,000 per annum, the exact amount of such salary to be fixed by the district attorney for such counties. Said salary shall be paid in equal monthly installments out of the treasury of such counties in the same manner as other county officers are paid.

Section 3. Each court reporter for the circuit court in such counties shall be entitled to a salary of \$6,800 per annum to be paid by the said counties. This is to be paid in addition to any and all other compensation paid by any legal entity or individual other than said counties. Said salary shall be paid in equal monthly installments out of the treasury of said counties in the same manner as other county officers are paid.

Section 4. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 704

H. 1660—Gafford

AN ACT

Relating to counties having a population of 600,000 or more inhabi-

tants according to the most recent federal decennial census; to allow for the lawful dispensing by any food-service establishment in containers other than individual, single service packages.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties in this state having a population of 600,000 or more inhabitants according to the most recent federal decennial census.

Section 2. In this act, unless the context or subject matter otherwise requires, "food-service establishment" shall mean any: restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; school lunchroom; dairy bar; tavern; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization or institution serving food; catering kitchen; commissary; or similar place where food or drink intended for human consumption is stored, prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is stored, served or provided for the public with or without charge.

Section 3. It shall be lawful for any food-service establishment to provide sugar in containers other than individual, single service packages. Sugar may be dispensed for public consumption in bulk containers with pour tops.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 705

H. 1664—Kennedy

AN ACT

To provide that any city of the state having a population of more than 41,000 and less than 45,000 inhabitants according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are

found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city of the State having a population of more than 41,000 and less than 45,000 inhabitants according to the most recent federal decennial census shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of a city coming under the provisions of this Act as the person to exercise the authority and perform the duties delegated by this Act to the "appropriate city official". Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes notice by personally serving upon such person, firm, association or corporation a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing

before the city governing body, together with his objections to the finding by the appropriate city official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of such city official until determination thereon is made by such governing body. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in such city, not less than ten days prior thereto. In the event that it is determined by such governing body that such building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by such city by the use of its own forces, or it may provide by contract for such demolition. Such city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within thirty days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the

fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the nonpayment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Title 34, Section 557, Code of Alabama 1940, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Title 37, Section 558-569, Code of Alabama 1940.

Section 7. This Act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional by a

court of competent jurisdiction, such declaration shall not affect the part that remains.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 706

H. 1667—Greer, Coburn, Hill

AN ACT

Relating to the coroner's office in all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census, is hereby authorized to appoint a qualified person to serve as deputy coroner in the absence of the coroner or during periods when the coroner may be incapacitated. When called upon to serve, the deputy coroner shall have the same legal authority and responsibility as the coroner. The compensation the deputy coroner receives shall not exceed twenty dollars per day and shall only be paid on those days in which an official act is performed. The compensation shall not exceed sixty dollars for any calendar month, and the total shall not exceed two hundred dollars per year without the approval of the county commission. The compensation shall be paid from the general fund of all such counties.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 707

H. 1670—Callahan, Sonnier

AN ACT

Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue certain plates for use on certain emergency search and rescue vehicles without charge; prescribing the color and prefix for such plates and repealing all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not less than 300,000 nor more than 600,000 inhabitants, according to the most recent federal decennial census.

Section 2. In any counties to which this Act applies, the judge of probate or other officer authorized to issue motor vehicle license plates, shall issue certain prefixed motor vehicle license plates annually without fee, tax, or charge to certain auxiliary search and rescue organizations affiliated with the Sheriff's department in such counties for use on designated emergency search and rescue vehicles, upon written request of the Sheriff of such counties. This exemption shall apply to any license tax or registration fee in connection with each such vehicle.

Section 3. The license plates which shall be issued pursuant to Section 2 of this Act, shall be the same color as county law enforcement plates and shall bear the prefix "COA". Such plates shall not be used on privately owned vehicles but shall be used only on those vehicles designated by the Sheriff for use in emergency search and rescue situations.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

To extend the boundaries of the City of Albertville in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Albertville in Marshall County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, to wit:

Beginning at the Northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 9 South, Range 4 East; thence South one fourth ($\frac{1}{4}$) mile to the Southeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 9 South, Range 4 East; thence West one fourth ($\frac{1}{4}$) mile to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 9 South, Range 4 East; thence South one fourth ($\frac{1}{4}$) mile to the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; thence West one half ($\frac{1}{2}$) mile to the Southwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; thence South one half ($\frac{1}{2}$) mile to the Southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East, thence West one fourth ($\frac{1}{4}$) mile to the Southwest corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; Thence South one fourth ($\frac{1}{4}$) mile to the Southeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 9 South, Range 4 East; thence West one fourth ($\frac{1}{4}$) mile to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 9 South, Range 4 East: Thence South one fourth ($\frac{1}{4}$) mile to the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 9 South, Range 4 East; thence West one half ($\frac{1}{2}$) mile to the Southwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 9 South, Range 4 East; thence North one half ($\frac{1}{2}$) mile to the Northwest Corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 9 South, Range 4 East; thence East one fourth ($\frac{1}{4}$) mile to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 9 South, Range 4 East; thence North one fourth ($\frac{1}{4}$) mile to the Northwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, Township 9 South, Range 4 East; thence East one fourth ($\frac{1}{4}$) mile to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, Township 9 South, Range 4 East; thence North one half ($\frac{1}{2}$) mile to the Northwest corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; thence East one half ($\frac{1}{2}$) mile to the Northeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section

20, Township 9 South, Range 4 East; thence North one fourth ($\frac{1}{4}$) mile to the Northwest Corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; thence East one fourth ($\frac{1}{4}$) mile to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 9 South, Range 4 East; thence North approximately three fourths ($\frac{3}{4}$) mile to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 9 South, Range 4 East; thence East one half ($\frac{1}{2}$) mile to the Northeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 9 South, Range 4 East; thence South approximately three fourths ($\frac{3}{4}$) mile to the Southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 9 South, Range 4 East; also the point of beginning, all parts of the above description being in Marshall County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 709

H. 1748—Riddick, Smith (B), Gregg

AN ACT

To authorize the Board of Education of the City of Huntsville in Madison County to operate, either directly or by contract, a public transit system for the purpose of transporting pupils to and from the public schools of said city, to authorize a fare to be charged by said Board to students riding said public transit system calculated to yield to the Board the difference in public funds received by the Board for transportation and the cost of said service to the Board; to provide that the provisions of this act are severable; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of the City of Huntsville in Madison County is hereby authorized to operate, either directly or by contract, a system of public transit for the purpose of transporting students to and from the public schools of said City.

Section 2. The Board of Education of the City of Huntsville in Madison County is further authorized to charge a fare to the students transported by said public transit system authorized under section 1 hereof, on a scale to be determined by the Board, and calculated to yield to the Board the amount

of difference in public funds received by the Board for transportation and the cost of said service to the Board.

Section 3. The provisions of the act are severable. If any section of this act is found unconstitutional, it shall not effect the sections, clauses or provisions which remain.

Section 4. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 5. That this act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 710

H. 1754—Edwards, Plaster

AN ACT

Relating to all counties having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; conferring additional powers on the circuit clerk and register.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Section 2. The circuit clerk and register of any such county shall have the power to take oaths in support of complaints and to issue warrants in all criminal cases, provided, that such warrants shall be made returnable to a court having original jurisdiction of the offense charged.

Section 3. The clerk and register shall receive a fee of one dollar (\$1.00) for each writ of arrest issued by him, to be taxed and collected as other costs are taxed and collected.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 711

H. 1755—Edwards, Plaster

AN ACT

To amend further Section 1 of Act No. 836, H. 1103, Regular Session 1969 (Acts of 1969, p. 1541), which provides an allowance for the employment of additional clerical assistance by the tax assessor and tax collector in each county having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 836, H. 1103, Regular Session 1969 (Acts of 1969, p. 1541), as amended, is hereby further amended to read as follows:

"Section 1. In all counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census, the county governing body may, in its discretion, provide an allowance for the employment of additional clerical assistance for the month of October, November and December in the office of tax collector and tax assessor. Such allowance shall not exceed \$400 per month for each of said officers and shall be paid from the general funds of the county on warrants drawn in the manner prescribed by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 712

H. 1763—Morris, Turnham

AN ACT

Relating to counties having populations of not less than 33,550 nor more than 34,000 inhabitants according to the most recent federal decennial census; to provide for an expense allowance for the probate judge of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 33,550 nor more than 34,000 inhabitants according to the most recent federal decennial census.

Section 2. The probate judge of all counties to which this act applies shall receive an expense and travel allowance in the amount of \$300 per month. Such allowance shall be lieu of

all expense allowances, including mileage, heretofore provided by law for such judges.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on the first day of the month next following the date this act shall become law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 713

H. 1774—Folmar

AN ACT

Relating to counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census.

Section 2. Members of the county commission in counties to which this act applies shall be entitled to receive an additional monthly expense allowance in the amount of \$100. Said expense allowance shall be in addition to any and all compensation, salary and expense allowances now provided by law and shall be paid out of the county general fund.

Section 3. The provisions of this act shall become effective on the first day of the month next following the date when this act shall become law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 714

H. 1775—Starkey, Lutz

AN ACT

Relating to counties with populations of not less than 38,100 nor more than 40,500 inhabitants according to the most recent federal decennial census; providing for an additional expense allowance for

county judges of such counties, payable from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The county judges, of counties with populations of not less than 38,100 nor more than 40,500 inhabitants according to the most recent federal decennial census, shall be entitled to receive an expense allowance in the amount of two hundred dollars (200.00) per month, which shall be in addition to any and all other salary, compensation or allowance now received by such official, payable monthly out of the general fund of such counties.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 715

H. 1779—Venable

AN ACT

Relating to Elmore County; to amend Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), to further provide for the use of funds derived from the sale of pistol permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), is amended to read as follows:

“Section 4. All fees derived from the sale of pistol permits shall be paid into an account in a bank of the sheriff's choice and one-fifth shall be paid by him to the county general fund and the remaining four-fifths may be drawn on and used at the sole discretion of the sheriff for the purchase of equipment, materials and supplies as needed by the sheriff's department, or for anything pertaining to law enforcement.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 716

H. 1780—Venable

AN ACT

Relating to Elmore County; relieving the board of registrars of such county from the duty of visiting precincts or voting places in the performance of their duties and prescribing certain other meeting places in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Elmore County are relieved of the duty of visiting the county precincts in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26, as amended; and in lieu thereof shall meet in Eclectic, Millbrook, Tallassee, and Wetumpka to receive applications for registration for the same number of days as provided by law for meeting in each precinct to register voters.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 717

H. 1781—Venable

AN ACT

Relating to Elmore County; to provide further for expense allowances for members of the Elmore County Board of Registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Elmore County shall be entitled to an expense allowance of fifteen dollars (\$15.00) per day for each day's attendance on sessions of the board. Such expense allowance shall be in lieu of any other expense allowance provided by law. Such expense allowance shall be paid out of the general fund of the county on certificates signed by the chairman of the board, and shall be in addition to the pay of such officers paid by the state.

Section 2. All laws or parts of laws which conflict with

this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 718

H. 1787—Campbell, Manley

AN ACT

Relating to counties with populations of not less than 16,700 nor more than 18,000 inhabitants according to the most recent federal decennial census; to authorize the county commission or other like county governing body of such counties to pay the salary of one clerk for each of the following county officers: probate judge, sheriff, tax collector, tax assessor and circuit clerk; such clerks to be appointed for a term and paid an amount established by the said county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission or like governing body of all counties having a population of not less than 16,700 nor more than 18,000 inhabitants according to the most recent federal decennial census, are hereby authorized to pay a clerk hire allowance for each of the following county officers: the probate judge, the sheriff, the tax collector, the tax assessor and the circuit clerk. The term for which such clerks shall be hired and the amount of compensation they shall receive shall be determined by the said county commission.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; however, this Act shall become null and void and its provisions shall be of no further effect after December 31, 1978.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 719

H. 1791—Roberts, Cross, Martin, Drake

AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Hartselle, in Morgan County, Alabama, are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 7 South, Range 4 West, less and except the North 267.80 feet lying West of Tunstill Road.

The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 7 South, Range 4 West, less the North 267.80 feet.

The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 7 South, Range 4 West.

A part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 7 South, Range 4, West described as beginning at a point on the East boundary line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ that is 968 feet South of the NE corner of said quarter and run thence West a distance of 1071 feet; thence South a distance of 357 feet, more or less, to a point on the South boundary of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence East along said South Boundary line a distance of 1071 feet to the SE corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North along the East boundary line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 357 feet, more or less, to the point of beginning.

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 7 South, Range 4 West described as beginning at the NE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 20 and run thence 51° 00' E a distance of 663 feet; then 588° 54' W a distance of 660 feet; thence N 1° 00' W a distance of 331.4 feet; thence S 88° 54' W a distance of 660.44 feet to a point on the West boundary line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence N 1° 00' W along said West boundary line a distance of 331.60 feet to the NW corner of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence N 88° 54' E along the North boundary line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1320.44 to the point of beginning.

The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, Township 7 South, Range 4 West.

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, Township 7 South, Range 4 West.

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 7 South, Range 4 West.

Section 2. This Act shall be effective immediately upon

the passage and approval by the Governor.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 720

H. 1792—Greer, Hill

AN ACT

To amend the title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) so as to provide a salary for the Lauderdale County board of registrars of \$25 per diem and to increase the hours which the place of registration shall be open.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) are hereby amended to read as follows:

“An Act To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; to regulate further the places for registration of applicants therefor; and to set the salary of members of the board.

“Section 1. The board of registrars of Lauderdale County is hereby relieved of the duty of visiting the several precincts between October first and December thirty-first in odd-numbered years for the purpose of making a complete registration of all persons entitled to register as required by Code of Alabama 1940, Title 17, Section 26, as amended. In lieu of visiting the precincts such board shall sit during such period for such purpose either at the courthouse or at such other towns or communities in the county as, in the board's opinion, will facilitate the making of a complete registration of persons entitled to register. They shall remain at each place designated for registration between the hours of eight a.m. and five p.m., at which hours there shall always be at least one person in the office at all times. Board members shall receive compensation of \$25 per diem on the days they meet. They shall give at least twenty days notice of the time when and the place where they will attend to register applicants for registration, by bills posted at three or more public places in each town or community designated for registration, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them, they shall, after like notice, fill new appointments in such town or community. The time consumed by the board in completing such registration shall

be subject to the limitation prescribed in Code of Alabama 1940, Title 17, Section 26, as amended. Except as hereinabove provided the times and places of meetings of the board of registrars of Lauderdale County shall be governed by the general law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 721

H. 1794—Hill, Greer

AN ACT

To empower the county commission of Lauderdale County to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Lauderdale County is hereby empowered to authorize any local bank to sell automobile license tags for the county between the dates of October 1 and November 15 of each year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 722

H. 1796—Taylor

AN ACT

Relating to all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall authorize the payment of a certain conditional supplement to the county judge's salary; and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 90,000 nor

more than 100,000 inhabitants according to the most recent federal decennial census.

Section 2. In such counties, the county commission or other like governing body shall authorize the payment of a county supplement to the county court judge's salary in such amount as shall be sufficient to keep said judge's salary at its present amount in the event that a lesser amount is prescribed by any state-wide law providing salary schedules for such judges.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 723

H. 1797—Brindley, Jolly

AN ACT

Relating to Blount County; to provide further for the compensation of the judge of the Law and Equity Court of Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Blount County.

Section 2. The county governing body of Blount County is hereby authorized to give the judge of the Law and Equity Court of Blount County an additional expense allowance of three hundred dollars (\$300.00) per month to be paid out of the county general fund. Said expense allowance shall be in addition to any and all other expense allowances, salary and compensation provided by law.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. Should the compensation of such judge be increased as a part of the implementation of the statewide judicial system, the expense allowance herein provided shall expire.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 724

H. 1799—Cross

AN ACT

Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; providing that the county governing bodies of such counties may appoint a deputy warrant clerk who shall be authorized under certain conditions to take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases and issue search warrants; permitting compensation therefor to be paid out of the general fund of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census, the governing bodies of such counties may appoint a deputy warrant clerk.

Section 2. Such deputy warrant clerk may take affidavits and complaints in misdemeanor and felony cases, may issue warrants of arrest in such cases, and may issue search warrants; provided, however, that the deputy warrant clerk may only issue the warrants when either: 1) the judges are incapacitated; 2) the judges are out of town; or 3) the courts are in session.

Section 3. Such complaints so taken and warrants so issued by such deputy warrant clerk shall have the same legal force and effect as though the same had been taken or issued by any other magistrate authorized by law to issue warrants.

Section 4. The county governing body appointing such deputy warrant clerk is authorized to compensate such clerk from the general funds of the county treasury on the basis of five dollars (\$5.00) per issuance not to exceed in the aggregate the total of five hundred dollars (\$500.00) per year.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 725

H. 1800—Kelley

AN ACT

Relating to Marshall County; requiring the board of registrars to hold voter registration meetings at each high school and college in the county twice a year; and to relieve them of the duty of visiting each precinct.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Marshall County shall visit each high school and college located in said county twice a year, between March 15 and April 1, and between September 15 and October 1 of each year for the purpose of making a complete registration of all persons entitled to register to vote in said county. The voter registration visits to each high school and college shall be in addition to the regular meetings of the board at the courthouse.

Section 2. The board of registrars of Marshall County is hereby relieved of the duty to visit each precinct in the county pursuant to Code of Alabama, Title 17, Section 26, but may, in its discretion, use the working days authorized for such precinct visits for meetings at the courthouse for the purpose of registering voters.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective January 1, 1976, after its approval by the Governor.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 726

H. 1801—Smith (B). Riddick, Albright

AN ACT

To provide that the Planning Commission of the City of Huntsville, Alabama, created pursuant to Title 37, Section 788, 1940 Code of Alabama, shall consist of twelve (12) members, as herein provided; to provide that adoption or amendment of any plan shall be carried by the affirmative votes of not less than eight (8) members; to provide that six (6) members of the Commission shall constitute a quorum; and to provide that the approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority vote of those members present.

Be It Enacted by the Legislature of Alabama:

Section 1. In the City of Huntsville in Madison County, the Planning Commission created pursuant to the provisions of Title 37, Section 788, Code of Alabama, as amended, shall consist of twelve (12) members, namely the Mayor, or Assistant, one of the administrative officials of the municipality selected by the Mayor, and a member of the Council to be selected by it as members ex officio, and nine persons appointed by the Mayor.

Section 2. The adoption of any plan or amendment by the Commission shall be by resolution of the Commission pursuant to the provisions of Code of Alabama, Title 37, Section 793, as amended, and shall be carried by the affirmative votes of not less than eight (8) members of the Commission. Six (6) members of the Commission shall constitute a quorum for the conduct of business. The approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority of those members present.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

AN ACT

To regulate and control the operation and licensing of massage parlors within Cleburne county; and providing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Finding— The Legislature of the State of Alabama hereby declares and finds that the business of operating massage parlors as defined herein are businesses affecting the public health, safety, and general welfare; that such businesses have been used in Cleburne county and elsewhere as fronts for the conduct of prostitution, assignation, and lewdness; that the method of operation of such businesses generally is such that female persons bargain with male customers for illicit sexual activities, including prostitution and sodomy, only after performing so-called massages while the male customer is nude, and after engaging the customer as part of the so-called massage in sexual foreplay to the point of sexual arousal; that because of said method of operation the gathering of evidence by law-enforcement officers sufficient for said officers to make an arrest or to institute some other civil proceeding requires male officers to pose as customers, and to perform degrading, demeaning, compromising, and unethical acts, to wit: becoming nude in the performance of his duty, submitting to an erotic massage, and engaging in sexual foreplay to the extent of sexual arousal, all of which invades the officers right of privacy, and interferes with, or potentially interferes with, the officers family relationship; and that in order to provide for effective enforcement of the laws of the State of Alabama concerning prostitution, assignation, and sodomy, and to protect the public interest, health, safety, and general welfare, it is necessary that bisexual and genital massage be prohibited and that such businesses be regulated in order to prevent their use for unlawful and illegal activities, and in order to protect the public health and safety.

Section 2. The following words and terms when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them by this section:

(A.) **Massage Parlor.** The phrase "massage parlor shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic, and non-chiropractic manipulative exercises, massages or procedures are practiced upon the human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physi-

cian, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises, or similar services are offered.

(B.) Masseur and Masseuse. The term masseur (male) and masseuse (female) is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

(C.) The word "establishment" shall mean a place of business or operation of any kind.

(D.) The word "person" shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

Section 3. It shall be unlawful for any person to operate a massage parlor as herein defined without first having acquired from the county governing body a license for the operation of said business as required by this act.

Section 4. Health and Sanitary Requirements. Any massage parlor licensed by the county governing body shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the State Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized county officials for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily available toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

Section 5. Cleanliness. (A.) No towels, wash cloths, or other linen items shall come in contact with the body or any other part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(B.) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(C.) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering said massage.

(D.) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings, and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

Section 6. Not to be Used as Dormitory. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

Section 7. Massages at Licensed Location Only. No massages shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

Section 8. Treatment. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

Section 9. Health Examination. Subsequent to the effective date of this act, it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor within the county without first, and within six months from the date thereof, having secured a written verification from a licensed Alabama physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

Section 10. It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor within the county except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any county official and to any law-enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor within the county to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the county governing body for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor, or any similar type business within the county, where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this act shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both; and in addition, final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall thereafter be issued by the county governing body for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant, or person employed in a massage parlor within the county to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

Section 14. Revocation of License. Any license issued hereunder by the county governing body upon the violation of any section, requirement, or provision of this act by the licensee or any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said county governing body. Written notice of any violation hereunder and any hearing thereon before the county governing body may be given to licensees by delivering said notice by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the county governing body and the licensee may present such evidence as he shall wish to the said governing body. In the event of any revoca-

tion of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Penalties. Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this act for which a penalty is not otherwise provided, shall, upon conviction thereof, be punished by fine of not more than \$500.00 or six (6) months in jail, one or both.

Section 16. Severability Clause. It is hereby declared to be the intention of the Legislature that the sections, paragraphs, sentences, clauses, and phrases of this act are severable; and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this act, since the same would have been enacted by the Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 728

H. 1818—Drake, Cross, Roberts, Martin

AN ACT

Relating to Morgan County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Falkville in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property.

Tract 1: A tract or parcel of land lying and being in

Morgan County, Alabama and described as follows, to-wit:
Section 36, Township 7 South, Range 4 West.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 729

H. 1819—Waggoner, Smith (C)

AN ACT

To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-76.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent decennial census may appropriate from the general funds of such counties the sum of 1¢ per capita based upon the 1970 federal decennial census for such counties, which funds shall be expended in accordance with the direction of such governing bodies in the public observance of the national bicentennial observance during the fiscal year 1975-76 of such counties.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 730

H. 1820—Waggoner, Smith (C)

AN ACT

To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent decennial census may appropriate from the general funds of such counties the sum of \$5.00 to each person who attends an official school for election officials and who subsequently serve as an election official in the election next following the school so attended.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 731

H. 1825—Hill, Greer

AN ACT

Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census, the county governing bodies are hereby authorized to develop and establish a prisoner rehabilitation program to include using inmate labor to work in supplementing the prison food by raising livestock and farming in a designated area or such other rehabilitation as may be authorized by the county governing bodies.

Section 2. The county governing body of such counties is authorized to acquire land through purchase or lease in order to implement such program and to purchase equipment and supplies incident thereto. The cost for implementing the program shall be paid out of the county treasury from the general funds and from funds designated for the prisoners' feeding allowance.

Section 3. Any inmate shall be eligible to participate in the program if he is approved by the sheriff for the same.

Section 4. Any inmate, while participating in such program who shall escape, shall be punished as prescribed in Act No. 86, S. 106, Acts, Second Special Session of 1959 (Acts, 1959, Vol. I, p. 508).

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 732

H. 1826—Hill, Greer

AN ACT

Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; providing additional compensation for official court reporters of the circuit courts in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census, the official court reporters of the circuit court of such counties shall be entitled to receive in addition to all other compensation and expense allowances heretofore provided by law, the sum of eighteen hundred dollars (\$1,800.00), which shall be payable in twelve monthly installments out of the general fund of the county treasury.

Section 2. The additional compensation provided herein is in addition to the compensation prescribed by general and local laws, whether payable by the state or county. At such time as the legislature shall enact a law providing for a general pay increase for all official court reporters of circuit courts, the additional compensation provided for herein shall cease as of the effective date of such law.

Section 3. This Act is cumulative and shall take effect October 1, 1975.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 733

H. 1857—McMillan, Kinsey

AN ACT

Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for service of process in civil cases by registered mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, all process papers in civil cases, including witness subpoenas, may be served by registered mail.

Section 2. Nothing herein shall be deemed to affect the service of process in criminal cases.

Section 3. The clerk of the court shall deliver the papers to the sheriff who shall mail the papers to the defendant at his last known address which shall be stated in the affidavit of the plaintiff. The envelope shall be marked "Deliver to Addressee Only" and "Return Receipt Requested", and such return receipt shall be received by the sheriff, or the sheriff shall be informed by the postal authority that delivery of said registered mail was refused by said defendant, and the date on which the sheriff receives said signed receipt, or advice by the postal authority that delivery of said registered mail was refused, shall be treated and considered as the date of service of process on said defendant.

Section 4. The sheriff shall make an affidavit as to the receipt of said return receipt, or advice of the refusal of said registered mail, and the respective dates thereof and shall attach said affidavit, return receipt, or advice from the postal authority, to a copy of the process and shall file all of the same in the cause.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 734

H. 1858—McMillan, Kinsey

AN ACT

To apply only in counties having a population of not less than 57,000 nor more than 61,000; providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 57,000 nor more than 61,000 the Sheriff shall execute every order from every court in said counties to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instant. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940. Provided further that, if a party specifically and expressly requests in writing that a witness be served personally by the Sheriff or his deputy in person, such witness shall be so served notwithstanding any provision of this Act to the contrary.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 735

H. 1860—McNees

AN ACT

Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the

taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census.

Section 2. In counties to which this act applies it shall be unlawful for any person to hunt, take, kill or to attempt to hunt, take or kill fox with guns or bow and arrow except during the period providing for gun hunting of deer as set by the department of conservation and natural resources.

Section 3. It shall be unlawful for any person to hang or suspend bait over or within 25 feet of a steel trap used for the taking of fur-bearing animals.

Section 4. It shall be unlawful for any person to use any such steel trap on lands other than lands he owns without marking each trap used with his or her full name and current address.

Section 5. Nothing in this act is intended to prohibit a person from running fox with dogs at any time during the year so long as the person engaged in the running of fox does not possess any guns or bows and arrows, nor is any part of this act intended to prohibit the taking or killing of fox within three hundred (300) yards of any residence by persons occupying the dwelling, nor is any part of this act intended to prevent the control of fox with guns at any time during the year when such control is necessary due to an outbreak of rabies.

Section 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or six (6) months in jail for each offense.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 736

H. 1861—McNees

AN ACT

Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Section 2. In counties to which this act applies it shall be unlawful for any person to hunt, take, kill or to attempt to hunt, take or kill fox with guns or bow and arrow except during the period provided for gun hunting of deer as set by the department of conservation and natural resources.

Section 3. It shall be unlawful for any person to hang or suspend bait over or within 25 feet of a steel trap used for the taking of fur-bearing animals.

Section 4. It shall be unlawful for any person to use any such steel trap on lands other than lands he owns without marking each trap used with his or her full name and current address.

Section 5. Nothing in this act is intended to prohibit a person from running fox with dogs at any time during the year so long as the person engaged in the running of fox does not possess any guns or bows and arrows, nor is any part of this act intended to prohibit the taking or killing of fox within three hundred (300) yards of any residence by persons occupying the dwelling, nor is any part of this act intended to prevent the control of fox with guns at any time during the year when such control is necessary due to an outbreak of rabies.

Section 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or six (6) months in jail for each offense.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 737

H. 1868—McCluskey

AN ACT

To amend further Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census (Acts 1956, p. 101), as amended, is further amended to read as follows:

“Section 1. Upon the expiration of the terms of the current members thereof, the members of the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census shall each be entitled to such annual salary, not exceeding \$12,500 per annum, as may be prescribed by the court or board, by ordinance or resolution duly enacted or adopted. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties and shall be in lieu of any other compensation, salary or allowance now provided by law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 738

S. 147—Baker, McDonald (S)

AN ACT

To limit the use of public road and bridge funds of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. No monies in the DeKalb County road and bridge fund shall be expended for any purpose other than for the construction, maintenance and repair of roads and bridges in said county under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall such funds be transferred to the general fund or used for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 739

S. 157—Mitchell, Powell

AN ACT

To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County is hereby amended to read as follows:

“Section 2. The county superintendent of education of Crenshaw County shall receive as compensation for his services an annual salary in such amount as is fixed by the county board of education, and an expense allowance in an amount fixed by the county board of education. The salary of the

county superintendent shall be paid at the times and in the manner prescribed by the general law for the payment of salaries of county superintendents of education. The expense allowance shall be paid in equal monthly installments from the public school funds of Crenshaw County. The county board of education of Crenshaw County is hereby authorized and directed to fix and approve the salary and expense allowance of the county superintendent of education and shall review such salary and expense allowance upon the appointment or reappointment of the county superintendent of education. Such salary and expense allowance shall be the entire compensation allowed the county superintendent and shall be in lieu of all other compensation, salary and allowances heretofore provided for the superintendent of education of such county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 740 S. 190—Mims, McDonald (A), Little, Bank,
Weaver, Torbert, Ellis

AN ACT

To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement of transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Title 2 of the Code of Alabama of 1940 is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 741 S. 192—Mims, McDonald (A), Bank, Weaver,
Torbert, Ellis

AN ACT

To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of

1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), is hereby amended to read as follows:

"Section 3. PROHIBITIONS PERTAINING TO LABELING REQUIREMENTS; OTHER PROHIBITIONS.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or distribute within this State — (1) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by Section 2 shall have been completed within a nine (9) month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, or offering for sale, transportation or distribution, provided, however, the State Board of Agriculture and Industries shall have authority under Rules and Regulations adopted under this Act to prescribe a shorter required test period when deemed necessary to meet seasonal conditions with respect to certain seed. *Provided, further, the State Board of Agriculture and Industries shall also have authority pursuant to rules and regulations to prescribe a longer period of time for the test required to determine the percentage of germination for agricultural and vegetable seed labeled and packed in hermetically sealed containers which shall not exceed thirty-six (36) months after the month of test and to prescribe the conditions and labeling requirements for the sale of such seed in hermetically sealed containers.* (2) Any agricultural, vegetable, herb, tree, shrub or flower seed not labeled in accordance with the provisions of this Act, or having a false or misleading labeling. (3) Any agricultural, vegetable, herb, tree, shrub or flower seed pertaining to which there has been a false or misleading advertisement. (4) Any agricultural or vegetable seed containing prohibited noxious weed seeds or restricted noxious weed seeds in excess of limitations prescribed by the State Board of Agriculture and Industries. (5) Any agricultural or vegetable seed containing weed seed in excess of two (2) per cent of the whole by weight, except as provided by the State Board of Agriculture and Industries

pursuant to rules and regulations adopted for the occurrence of weed seeds. (6) Any agricultural seed having a total percentage of germination and hard seed of less than sixty (60), except Dallisgrass, Johnsongrass and seed released by the U.S.A. Customs unless such percentage of germination is lowered or increased by the State Board of Agriculture and Industries as authorized under Section 7 of this Act. (7) Any agricultural, vegetable, flower, tree, shrub or herb seed unless the person selling, offering for sale, or distributing such seed for sale has obtained an annual permit as required under Section 10 of this Act. (8) Oat or sorghum seed not complying with the regulations by the State Board of Agriculture and Industries controlling the sale and distribution of same. (9) Any hybrid seed corn unless it is certified or produced as required under Section 4 of this Act. (10) Any tree or shrub seed not in compliance with the rules and regulations promulgated by the State Board of Agriculture and Industries. (b) It shall be unlawful for any person within this State — (1) To detach, alter, deface or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purpose of this Act. (2) To disseminate any false or misleading advertisement concerning agricultural, vegetable, herb, tree, shrub or flower seed in any manner or by any means. (3) To hinder or obstruct in any way any authorized person in the performance of his duties under this Act. (4) To fail to comply with a "stop-sale", "suspension from sale" or "non-use" order. (5) To use a non-warranty or disclaimer clause or limited warranty clause in any invoice, labeling or advertising which shall directly or indirectly deny or modify any information required by this Act or regulations promulgated thereunder, nor shall any such clause relieve or exempt any person from any of the requirements of this Act or its regulations. (6) To violate or fail to comply with any rule or regulation promulgated and adopted by the State Board of Agriculture and Industries under authority of this Act."

Section 2. Section 6 of said Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963, is hereby amended to read as follows:

"Section 6. RECORDS OF PURCHASES AND SALES.
— (1) Records of receipts, sale and delivery of all seed, other than retail sales and deliveries by a dealer except as hereinafter provided shall be kept readily accessible for examination by an authorized agent of the Department of Agriculture and Industries. These records shall include invoices, bill-of-lading or transportation record, a copy of the labeling information and these records must show the lot numbers. Such records must be made available to the inspectors within ten (10) days after

receipt of seeds which said records cover. Such records as are surrendered will be duplicated and a copy left with the owner or party in question. Records shall be kept by the dealer for a period of three years, except a file sample of each lot of seed shall be kept for one year after final disposition of the lot, in order to carry out the purpose of effective administration of this Act. (2) *All retail seed sales having a value in excess of an amount to be fixed by the State Board of Agriculture and Industries shall be accompanied by an invoice or a sales ticket issued by the seller bearing the name and address of the seller and purchaser, the kind and variety of seed sold, the quantity of seed in each lot and the lot number or numbers for each kind and variety of seed sold or delivered. Such sales records shall be kept by the retail seller for a period of one year following sales and such records shall be made available for inspection and examination by the Commissioner of Agriculture and Industries or his authorized agent upon request and also such records shall be made available to any committee created by law for investigation and arbitration purposes for its examination and review.* (3) Trucks and other motor conveyors transporting seed for sale, to be sold to consumers, or distributed, and using the Alabama public highways shall have available for examination at any time by an authorized agent of the Department of Agriculture and Industries a bill-of-lading, waybill or a delivery receipt showing (a) the name of shipper or party from whom purchased, (b) the name and address of the party to whom the seed are to be delivered, (c) the kind and amount of each separate kind of seed, except that all vegetable seed can be grouped as "Garden Seed", and (d) the name of the truck line or other carrier making delivery of the seed. A copy of the bill-of-lading, invoice or delivery receipt shall be left with the consignee. (4) Records of receipts, sales, and deliveries of all seed sold in Alabama shall be kept readily accessible for auditing by an authorized agent of the Department of Agriculture and Industries at reasonable times during business hours to determine whether sellers of seed comply with Section 10 of this Act with respect to payment of the permit fee required thereunder, and such information as obtained shall be treated as confidential and no employee shall divulge the information obtained from such an audit, but nothing herein shall be construed to prevent the Commissioner, his authorized agents or employees or a committee created by law for investigation and arbitration purposes from having access to records for examination and review as authorized by (1) of this Section.

Section 3. Section 7 of said Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963, is hereby amended to read as follows:

"Section 7. RULES AND REGULATIONS. — The State Board of Agriculture and Industries shall have power to prescribe, and after public hearing following due public notice, to adopt rules and regulations governing the method of sampling, inspecting, analyzing, testing and examining agricultural, vegetable, flower, tree, shrub and herb seed, and the tolerances and limitations to be followed in the administration of this Act, to add to or subtract from the list of noxious weeds, to adopt or amend standards for vegetable, flower, tree, shrub and herb seed, to increase or lower the standards for seeds when found to be in the best interest of users of seed and to meet emergencies, to adopt sizes of containers for seed sold, offered for sale or distributed in Alabama, to establish reasonable limitations as to the number of bags or other containers of seed in any one lot of seed sold, offered for sale, or distributed in Alabama, and such other rules and regulations as may be reasonably necessary to carry out the evident intent and purposes of this Act and to secure its efficient administration and enforcement; also, said Board shall be authorized to adopt rules and regulations to govern and control the sale or offering for sale any seed which may be labeled and sold as feed or feed grain where such feed or grain is or may be used for planting purposes. The Board is authorized to adopt rules, regulations and recommendations of the Association of Seed Control Officials of the Southern States, provided such recommendations are not in conflict with the provisions of this Act. The State Board of Agriculture and Industries shall also be authorized to adopt rules and regulations which will prohibit any false or misleading labeling, false or misleading advertising or other false or misleading representations with respect to sale, handling, labeling or distribution of any agricultural, vegetable, flower, tree or herb seed sold, offered for sale or distributed in Alabama where the sale of such seed is subject to any of the provisions and requirements of the "Plant Variety Protection Act" of the Congress of the United States."

Section 4. The provisions of this Act are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

AN ACT

To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," is amended to read:

"Section 1. That the boundary lines of the Town of Fyffe, DeKalb County, Alabama, be, and the same are hereby altered or re-arranged so as to include within the corporate limits of said town all territory lying within the following described lands, lying in DeKalb County, Alabama to-wit:

South half and Northwest fourth and Northwest fourth of Northeast fourth of Section 10; and

Southeast fourth of Southwest fourth and Northwest fourth and Northwest fourth of Northeast fourth of Section 3; and

Northeast fourth of Northeast fourth of Section 15; and

West half of Northwest fourth and Southeast fourth of Northwest fourth of Section 14; and

All of Section 4; and

East half of Southeast fourth and Northwest fourth of Northwest fourth of Section 9; and

Northeast fourth of Northeast fourth of Section 5; and

East half of Northeast fourth and Southwest fourth of Northeast fourth and Southeast fourth of Northwest fourth and East half of Southeast fourth and Southwest fourth of Southeast fourth of Section 8; and

West half of Northeast fourth and Southeast fourth of Northwest fourth and North half of Southwest fourth of Section 17; and

Southeast fourth of Southeast fourth of Section 18; and

All in Township 7, South of Range 7 East;

Also, East half of Southeast fourth of Section 33; and
Northeast fourth of Southwest fourth and Northwest fourth
of Southeast fourth and South half of Southwest fourth and
South half of Southeast fourth of Section 32; and

All in Township 6, South of Range 7 East."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 743

S. 387—Little

AN ACT

Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 744

S. 389—Little

AN ACT

Relating to Randolph County: providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County the officers appointed to hold elections, upon proper proof of services rendered, shall each be entitled to four dollars (\$4.00) a day in addition to all other compensation provided for by law. In case of a municipal election or primary, the additional compensation shall be paid by the city or town holding the election or primary; in all other cases the additional compensation shall be paid by the county and no part thereof shall be paid or refunded by the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 745

S. 446—Mims, Givhan, Ellis, Perry, Bank,
Fine, Mitchell, Weaver, Foshee,
Little, Noonan, Perloff

AN ACT

To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct

a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 404, Acts of Alabama, Regular Session, 1945, page 643, is hereby amended so as to read as follows:

"Section 1. That an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain of plants or crops, such as those bred and tested, or tested only, by the Agricultural Experiment Station of Auburn University and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt a symbol or symbols of identification or certification of such seed or plant parts and such foundation seed and, upon approval of the director of such Experiment Station and of the director of the Extension Service of Auburn University, register same with the State Commissioner of Agriculture and Industries."

Section 2. Section 3 of Act 404, Acts of Alabama, Regular Session, 1945, page 643, is hereby amended so as to read as follows:

"Section 3. It shall be unlawful for any person, firm, association or corporation other than the association which so registered such symbol or symbols to use such symbol or symbols in any manner for identifying or certifying seeds or plant parts or for any person, firm, association or corporation to sell, offer for sale, or otherwise market or distribute foundation seed for any specified crop, other than the association which registered the symbol or symbols of such foundation seed for such crop with the Commissioner of Agriculture and Industries. Any person, firm, association or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor."

Section 3. Section 4 of Act 404, Acts of Alabama, Regular Session, 1945, page 643, is hereby amended so as to read as follows:

"Section 4. The Department of Agriculture and Industries, the Agricultural Extension Service and the Agricultural Experiment Station of Auburn University are hereby authorized and directed to cooperate and work with such associations of farmers to accomplish the following purposes:

"(a) To implement an Alabama seed improvement program encompassing activities of foundation seed production, seed certification and labeling, and quality control in the pro-

duction of seed, in order to make available for agriculture in this state, high quality seed.

“(b) To conduct educational programs stressing the benefits of the use of seed of superior varieties and strains.

“(c) To otherwise formulate and implement such programs as will insure that quality seed is properly produced, processed, certified, and distributed in the state.”

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 746

S. 532—Little

AN ACT

To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissions of all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census, are hereby authorized and empowered to appropriate the sum of \$110 from the general fund of the county to Dan Powell for the payment of dentist bills incurred due to a broken tooth received within the line and scope of his employment. This is a moral and just claim which the county is honor bound to pay to Dan Powell for which he has no right of action or legal recourse for recovery.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 747

S. 603—St. John

AN ACT

To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session

(Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, providing for the disposition and use of such fees'"; is hereby amended to read as follows:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama Title 14, Section 177, shall be five dollars and fifty cents (\$5.50), which shall be collected by the sheriff and deposited in the county treasury. The fee shall be credited to the general fund. Two thousand (\$2,000) per year of said fee shall be credited to the law enforcement fund for matching funds and general up grading of law enforcement in said county, and \$150 per month shall be transferred from the law enforcement fund of such counties to the operating funds of the district attorney to be expended by him for the enforcement of the law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 748

S. 604—St. John

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,000 nor more than 56,500 according to the most recent federal decennial census.

Section 2. The judge of the intermediate court in each county to which this act applies shall receive an additional expense allowance in the amount of \$250 per month payable out of the general fund of the county. Said expense allowance shall be in addition to all other salary, compensation and expense allowances provided for by law.

Section 3. The provisions of this act shall become effective on the first day of the month next following the date upon which this act becomes law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 749

S. 630—Shelby

AN ACT

To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit is hereby created. This Deputy District Attorney shall be appointed by and shall serve at the pleasure of the District Attorney of the Sixth Judicial Circuit.

SECTION 2. The compensation of Deputy District Attorney No. 5 shall be in accordance with that salary schedule applying to the offices of Deputy District Attorney of the Sixth Judicial Circuit. Such compensation shall be paid from the funds of the county in which the duties of the office are performed, in equal installments as the salaries of other county officers are paid.

SECTION 3. No part of the compensation of Deputy District Attorney No. 5 shall be paid by the State of Alabama.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 750

S. 631—Shelby

AN ACT

To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a fund to be designated the "Solicitor's Fund" of the Sixth Judicial Circuit, which fund shall be at the disposal of the District Attorney of the Sixth Judicial Circuit of Alabama, and shall be drawn upon by him for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office, as he sees fit.

Section 2. Said fund shall be deposited in any bank in the Sixth Judicial Circuit of Alabama, which shall be an approved depository for the public funds of said Circuit, as provided hereinafter, and shall be payable upon the order of the District Attorney of the Sixth Judicial Circuit of Alabama by check signed by him as such officer.

Section 3. All solicitor's fees taxed and collected in every criminal case in the courts of the Sixth Judicial Circuit of Alabama shall be periodically deposited by the Judge, Clerk, or other proper custodian of funds so taxed in such courts to the credit of the Solicitor's Fund hereinbefore provided in such depository as shall be designated by the District Attorney, as hereinbefore provided.

Section 4. The county governing body of any county located in the Sixth Judicial Circuit of Alabama is hereby granted the authority to appropriate and to transfer from the general

fund of the said county into the Solicitor's Fund, to be used as other funds in the said Solicitor's Fund as hereinabove set out, any amount of money which said county governing body shall deem to be necessary in carrying out the purpose of the Solicitor's Fund.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 751

S. 664—Little

AN ACT

Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Randolph County shall each be entitled to hire a stenographic secretary. The salaries of said stenographic secretaries shall be set by the county governing body and shall be payable in equal monthly installments from any funds available in the county treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 752

S. 665—Little

AN ACT

To provide for the compensation of jurors in Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. All grand and petit jurors, serving in Randolph County are entitled to fifteen dollars for each day's services, ten cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proven by the oath of the juror

before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues; or in lieu of such certificate the payment to which each juror is entitled shall be payable out of the county general fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 753

S. 701—Bank, Mims, Torbert

AN ACT

To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 105 through 116 (inclusive) of Chapter 2, of Title 22, of the Code of Alabama as amended, are further amended, and revised and re-enacted to read as follows:

“Section 105. **TERMS DEFINED.** — Whenever used in this chapter, unless a contrary intention is evident, the following terms shall be interpreted as herein defined: (a) The term “animal” shall mean and include all members of the canine family three months of age, all members of the feline family three months of age, and all pets of exotic wildlife such as skunks, racoons, ocelots, foxes, etc., that are capable of having and transmitting rabies, and for which the vaccines are recommended. (b) The term “person” shall mean and include individuals, firms, partnerships and associations; the singular shall include the plural; and the masculine, the feminine and neuter. (c) The term “owner” shall mean and include any person having a right of property in the animal or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him. (d) The term “inoculation against rabies” shall mean the injection, in a manner approved by the

State Health Officer and the State Veterinarian, of antirabies vaccine approved by the State Health Officer and the State Veterinarian. (e) "Quarantine for observation for Rabies" shall mean confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten (10) days. (f) The term "has been bitten" means has been seized with teeth or jaws, so that the skin of the person or thing seized has been nipped or gripped, or has been wounded or pierced and includes probable contact of saliva with the break or abrasion of the skin as determined by a licensed Physician.

"Section 106. ENFORCEMENT PROVISION. — For the purpose of providing proper enforcement of the provisions of this chapter, each District and/or County Board of Health is hereby invested with general supervisory powers; and it shall be its duty, with the approval of the State Health Officer and State Veterinarian, on the passage and approval of this chapter, and annually thereafter within the first fifteen days of January to appoint a duly licensed veterinarian, who shall be known as rabies inspector, and whose term of office shall end on December 31 of the year of appointment; provided, however, that he shall be eligible for reappointment. Such inspector may select as many deputies to aid him in the enforcement of this chapter as he may desire. It shall be the duty of the said inspector, under the direction of the District and/or County Board of Health, to enforce the provisions of this Chapter, and it shall be his duty to inoculate or have the work done by his deputies; and, for the full enforcement of the provisions of this chapter, the said rabies inspector and his deputies are clothed with full police powers; and the sheriff and his deputies in each county and the police officers in each incorporated municipality shall be aids, and are hereby instructed to cooperate with said inspector in carrying out the provisions of this chapter. The compensation of the said inspector and his deputies shall be limited to the fees collected from enforcement of the provisions of this act. The said rabies inspector may be removed from office, for cause, by the county board of health.

"Section 107. INOCULATION OF ANIMALS REQUIRED. — Every owner of an animal required to be inoculated for rabies under this chapter, shall cause the said animal to be inoculated against rabies by the rabies inspector, his authorized representative, or any duly licensed veterinarian, when said animal is of proper age for inoculation. All animals shall be inoculated prior to September first of each year. Evidence of such inoculation shall consist of a printed certificate furnished in triplicate by the State Board of Health, upon which shall be legibly inscribed: A description of the animal inoculated, its age, color, sex, weight, breed, and the number,

if any, the name and address of the owner; the lot number and type of vaccine used (live virus, inactivated virus, nervous tissue) and the name of the manufacturer, the amount of vaccine injected and the route of injection; and a serially numbered tag bearing the same number and year as the certificate bears. The certificate shall be dated and signed by the person authorized to administer the vaccine. Certificates not in keeping with the provisions of this section, or certificates issued by those persons unauthorized to administer rabies vaccine, shall not be valid. The original copy of the certificate prescribed herein shall be delivered to the owner of the animal inoculated, one copy to the local Health Officer, and one copy to be retained by the Rabies Inspector or other authorized person. Vaccination certificates may be destroyed after three years.

The vaccination of animals against rabies shall be good for a period of one year, on all animals required to be inoculated under this chapter.

Exotic and wildlife pets shall be retained in a special quarantine as prescribed by the rabies inspector for a period of six months (180 days) before rabies vaccination and be held in quarantine for an additional thirty (30) days after rabies vaccination before being released for sale to the public, given away as pets, or put on public display.

It shall be unlawful and in violation of the provisions of this chapter to sell or offer for sale, barter or exchange any antirabies vaccine to anyone except a duly appointed rabies inspector or duly licensed veterinarian.

"Section 108. ANIMAL TAGS — Coincidence with the issuance of the certificate of inoculation, as prescribed in the preceding Section, the rabies inspector, his authorized representative, or any duly licensed veterinarian, which provided the certificate shall furnish a serially numbered tag bearing the same number and year as the certificate bears, which tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag have been issued.

"Section 109. LOST TAGS. — In case of loss of the tag from any animal when the same has been legally issued, every replacement thereof shall be upon such terms as may be agreed upon with the rabies inspector, or veterinarian by whom the animal has been inoculated. In such instance, a new certificate, marked "duplicate", may be issued, setting forth the number of the new tag, and the certificates issued and distributed according to Section 107 of this Act.

"Section 110. FEES — It is hereby provided that the rabies inspector authorized to inoculate animals against rabies

may charge for such service and supplies a sum recommended by a committee consisting of the State Health Officer, the State Veterinarian and the President of the Alabama Veterinary Medical Association and approved by the Committee of Public Health, prior to the first day of January each year. The committee shall consider all cost factors in administering the vaccine as the economy dictates, including but not limited to the current prices of vaccine and wages.

"Section 111. PENALTY WHEN ANIMAL FOUND WITHOUT TAG. — On and after September first of each year, any animal found not wearing the evidence of inoculation as provided herein, and for which no certificate of inoculation can be produced, and which is apprehended by an officer or other person charged with the enforcement of this chapter, shall forthwith be subject to a penalty not to exceed an amount equal to twice the state approved charge for inoculation, to be imposed by the rabies inspector on the owner of the animal, in addition to the fee heretofore prescribed for inoculation. The said penalty, when collected, shall accrue to the person making the apprehension, except in the case of rabies inspectors employed full time on salary, in which case the penalty shall accrue to the employing agency or agencies.

"Section 112. IMPOUNDING OF ANIMALS NOT INOCULATED AGAINST RABIES. — It shall be the duty of each and every county in the state to provide a suitable county pound, for the impounding of animals found running at large in violation of the provisions of this chapter. Every municipality over five thousand, in which the county pound is not located, shall maintain a suitable pound or contribute their prorata share to the staffing and upkeep of the county pound. Where animals are impounded, the Impounding Officer shall, in some form or manner, give a notice of not less than seven days; and, if the owner thereof is known, such owner shall be given direct notice of the impounding of a animal or animals belonging to him.

"Section 113. DISPOSITION OF ANIMALS IMPOUNDED PRESCRIBED. — All animals which have been impounded for lack of rabies inoculation in accordance with the provisions of this chapter, due notice of which shall have been given to the owner as provided in the preceding section, may be humanely dispatched and disposed of when not redeemed by the owner within seven days. Where there exists a humane society in any city of the state where the provisions of this chapter are applicable, said humane society shall have the privilege of dispatching all unredeemed animals, should it so elect. In case the owner of any impounded animal desires to make redemption thereof, he may do so on the following conditions: He

must pay for the inoculation of the animal, if Certificate of Vaccination cannot be produced, for the board of the animal for the period for which it was impounded, and in addition, the penalty, as prescribed in Section 111 of this chapter. Amount paid for the board of the animal shall accrue to the credit of the city or county, depending upon the pound in which the animal was confined. The said Impounding Officer may, at his discretion, sell any animal not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal, which said purchaser must comply with all the provisions of this chapter.

"Section 114. CONFINEMENT OF ANIMALS WHICH HAVE BITTEN HUMANS. — Whenever the rabies inspector or County Health Officer shall receive information that any person has been bitten by an animal required to be inoculated against rabies, the County Health Officer shall be required to cause said animal to be put in quarantine with a duly licensed veterinarian for observation of rabies. It shall be unlawful for any person having knowledge that any person has been bitten by any such animal to refuse to notify promptly one or more of the officers mentioned in this section. It is unlawful for the owner of such animal to refuse or fail to comply with the instructions of the rabies inspector or health authorities in any particular case. It is unlawful for the owner of such animal to sell, give away, transfer or transport to another area, or otherwise dispose of any such animal that is known to have bitten a person until it is released from quarantine by the county rabies inspector, duly licensed veterinarian or by the health authorities.

Instructions for quarantine of the offending animal shall be delivered in person to the owner by the rabies inspector or his authorized agent. If such instructions cannot be delivered in person, they shall be mailed by regular mail, postage prepaid and addressed to the owner of the animal. The affidavit or testimony of the rabies inspector or his authorized agent, who delivered or mailed such instructions shall be prima facie evidence of the receipt of such instructions by the owner of the animal. Any expenses incurred in the quarantine of the offending animal under this and the preceding section shall be borne by the owner.

All other species of animals, other than a dog or domestic cat, which have bitten someone, are to be confined and observed for rabies in the same manner except the time element may vary, so as to compensate for the difference in the incubation period of the disease. This adjusted time element shall be determined by the Alabama Department of Public Health, upon consultation of the latest recommendation of the U. S. Public Health Service.

The veterinarian under whose care the offending animal has been committed for quarantine shall report the results of his observation of said animal to the attending physician of the person bitten.

Where the biting animal is a stray animal as determined by the rabies inspector, with no owner, or a wild animal that was in confinement or captured after the bite, or where the owner of an exotic or wildlife pet agrees in writing, the animal can be humanely destroyed immediately after the bite and the head submitted for appropriate examination by the State Health Department Laboratory for rabies examination.

Sentry or Guard dogs used in law enforcement work shall be exempt from quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies, but shall be examined at the end of ten days by licensed veterinarian.

"Section 115. OFFENSES AND PENALTIES GENERALLY. — Any person violating or aiding in or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or resisting or obstructing, or impeding any authorized officer in enforcing this chapter, or refusing to produce, for inoculation, any animal in his possession, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and, for the purpose of enforcing this section any court of competent jurisdiction shall have jurisdiction in such offenses.

"Section 116. PREVENTION OF THE SPREAD OF RABIES. — The State Health Officer may place certain areas of the state under a rabies quarantine to prevent the spread of rabies, upon request of proper local officials. In serious situations, the State Health Officer may place the area under quarantine without waiting for local request.

Whenever the State Health Officer or local health authorities are convinced that the situation is conducive to the spread of rabies, additional measures may be imposed as are deemed necessary to prevent the spread of rabies among dogs and other animals.

"Section 117. CHAPTER NO LIMITATION POWER OF MUNICIPALITIES TO CONTROL DOGS. — Nothing in this chapter shall be held to limit in any manner the power of any municipality to prohibit dogs or other animals from running at large, whether or not they have been inoculated as herein provided; nor shall anything in this chapter be construed to,

in any manner, limit the power of any municipality to further control and regulate dogs and other animals in such municipality."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage or its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 754

S. 707—Jones

AN ACT

To amend Section 3.04 and 4.03 of Act No. 618, Acts of Alabama 1973, page 879, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000, so as to require council members to reside in the district which they represent, and to require the mayor to be a full time official who shall not draw any other compensation from any source other than disability compensation or a retirement pension.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.04 of Act No. 618, Acts of Alabama 1973, is hereby amended to read as follows:

"3.04 **ELIGIBILITY** — Councilmen shall be qualified electors of the city, and shall have been residents of the district which they represent for at least six months prior to their election, *and shall reside in the district during their terms of office* and shall hold no other public office except that of notary public or member of the national guard or naval or military reserve. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 755

H. 1707—Waggoner

AN ACT

Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as amended, shall be and hereby is further amended to read as follows:

“Section 5. All bonds issued by a corporation organized under authority of this Act shall be solely and exclusively obligations of the corporation and shall not create an obligation or debt of any municipality. No municipality shall pledge its faith or credit for the payment of any debt incurred or bonds issued by such corporations. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations, may be of such tenor, may be in registered or bearer form, either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places, may bear interest at such rate or rates payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as may be provided by resolution of its board of directors. The bonds issued by any corporation organized hereunder shall be signed by the chairman of its board of directors or other chief executive officer and attested by its secretary, and the seal of such corporation shall be affixed thereto, but a facsimile signature of one, but not both, of such officers may be impressed or printed on any bonds in lieu of the manual signature of such officer. Any interest coupon applicable to the bonds of such corporation shall be signed by the chairman of the board of directors or other chief executive officer but a facsimile of such signature may be impressed or printed on any such interest coupon in lieu of his manually signing the coupon. Any bonds issued under the authority of this Act may be sold at public or private sale in such manner and from time to time as may be determined by the board of di-

rectors to be most advantageous, and the corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. All bonds issued under the authority of this Act and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source. Whenever the principal of and interest on all bonds of such corporation payable from the revenues derived from the operation of one or more medical clinics owned by such corporation shall have been paid in full, then the board of directors of the corporation may by resolution determine that the purposes for which the corporation was formed have been substantially complied with, and the board of directors of the corporation shall thereupon execute and file for record in the office of the Judge of Probate of the county in which the corporation is organized a certificate of dissolution reciting such facts and declaring the corporation to be dissolved. Such certificate of dissolution shall be executed under the corporate seal of the corporation. Upon the filing of such certificate of dissolution, the corporation shall stand dissolved, and title to all funds and properties owned by it at the time of such dissolution shall vest in the municipality, and possession of such funds and properties shall forthwith be delivered to such municipality. The dissolution of one or more corporations under the provisions of this Act shall not cause the dissolution of other such corporations already incorporated nor preclude the formation hereunder of other corporations."

Section 2. Section 7 of said Act No. 516, as amended, shall be and hereby is amended to read as follows:

"Section 7. Prior to the leasing of the medical clinic or clinical facilities, the board of directors must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such clinic (which term, as used in this section, shall also include any clinical facilities covered by any such lease); unless the proceedings under which the proposed bonds are to be issued provide that any debt service reserve fund which the board of directors deems it advisable to establish in connection with the retirement of the proposed bonds is to be entirely funded out of the proceeds from the sale of such bonds, the amount necessary to be paid each year into any such reserve fund; the amount necessary to be paid each year into any reserve fund which the board of directors may deem it advisable to establish in connection with the maintenance of the clinic; and, unless the terms under which the clinic or its facilities is to be leased, provide that the lessee shall maintain the clinic and carry all proper insurance with respect

thereto, the estimated cost of maintaining the clinic in good repair and keeping it properly insured. The determinations and findings of the board of directors required to be made in the preceding sentence shall be set forth in the proceedings under which the proposed bonds are to be issued; and the corporation shall lease the clinic or its facilities to a lessee or lessees, under an agreement providing for payment to the corporation of such rentals as, upon the basis of such determinations and findings, will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the clinic, (b) unless the proceedings under which the proposed bonds are to be issued provide that any debt service reserve fund deemed by its board of directors to be advisable in connection with the retirement of the proposed bonds is to be entirely funded out of the proceeds from the sale of such bonds, to build up and maintain such reserve fund, (c) to build up and maintain any reserve deemed by the Board of directors to be advisable in connection with the maintenance of such clinic, and (d) unless the agreement of lease obligates the lessee to pay for the maintenance and insurance of the clinic, to pay the costs of maintaining the clinic in good repair and keeping it properly insured. Any revenues derived from the operation of the clinic, over and above the amounts necessary to meet the charges hereinabove specified, may be applied to the payment of the principal of and the interest on the bonds issued to finance the clinic, or for other expenditures in connection with maintaining, expanding, operating, or equipping the clinic, at the discretion of the board of directors."

Section 3. Section 8 of said Act No. 516, as amended, shall be and hereby is amended to read as follows:

"Section 8. Any bonds issued by a corporation organized hereunder and at any time outstanding may at any time and from time to time be refunded by the corporation by the issuance of its refunding bonds in such amount as the board of directors may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effective whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which

they are by their terms subject to redemption. Any refunding bonds issued by a corporation organized under the authority of this Act shall be subject to the provisions contained in Section 5 of this Act and may be secured in accordance with the provisions of Section 6 of this Act."

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law. Further, the provisions of this act shall apply both prospectively and retrospectively, except that this act shall not apply retrospectively so as to validate, cure or remedy any action heretofore taken by a medical clinic board organized under said Act No. 516 where (a) such action has, prior to the effective date of this act, been held invalid by a court of competent jurisdiction and the period for appeal therefrom has expired, or (b) such action is alleged, in an appropriate suit or proceeding pending in any court of competent jurisdiction as of the effective date of this act, to be invalid.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 756

S. 861—Jones

AN ACT

To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions

The following words and phrases as used in this ordinance, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "System" shall mean the Employees' Retirement System of the City of Montgomery, as defined in Section 2 of this ordinance.

(2) "City" shall mean the City of Montgomery, Alabama, with respect to its employees, and any board or boards of the city now existing or hereafter created and duly authorized by the commission to participate in the system with respect to its employees.

(3) "Commission" shall mean the board of commissioners of the city.

(4) "Board" shall mean the board of trustees of the system provided for in Section 5(B) of this ordinance to administer the system, but shall not include the investment trustee.

(5) "Medical Board" shall mean the board of physicians provided for in Section 5(D) of this ordinance.

(6) "Employee" shall mean any regular and permanent officer or employee of the city, including elected or appointed officials or commissioners, and the regular employees of any board, commission, or commissioner and any person or persons employed by the city and performing the duties of a regular employee in the service of the city and whose compensation is computed on either a monthly or per diem basis, but shall not include anyone who is paid on a fee or commission basis.

(7) "Member" shall mean any person included in the membership of the system as provided in Section 3 of this ordinance.

(8) "Service" shall mean service in the employment of and paid for by the city.

(9) "Membership service" shall mean service as a member for which credit is allowable as provided in Section 4, Subsection (1) of this ordinance.

(10) "Creditable service" shall mean total membership service plus any prior service verified by the board pursuant to Section 4, Subsection (2).

(11) "Retirement allowance" shall mean annual payments, payable in monthly installments, continuing to the last payment prior to death.

(12) "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided by the system.

(13) "Accumulated contributions" shall mean the sum of the balance to a member's credit in the annuity savings account as of December 31, 1968, plus all the amounts deducted thereafter from his compensation and credited to his individual account.

(14) "Earnable compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time. In cases where compensation includes maintenance, the board shall fix the value of that part of compensation not paid in money.

(15) "Average final compensation" shall mean the earnable compensation of a member during the highest 12 consecu-

tive months of the 5 year period immediately preceding his retirement date.

(16) "Equivalent actuarial value" shall mean equal value when computed at regular interest on the basis of the tables last adopted by the board.

(17) "Operative date" shall mean the date the system began operation as provided in Section 2 of this ordinance.

(18) "Investment Trustee" shall mean each of such banks or other recognized advisory service or services that the board of trustees selects. Each investment trustee shall have the powers and duties prescribed by Section 5(A). The board of trustees may terminate the services of any investment trustee upon thirty (30) days' written notice to such trustee, and each trustee may likewise terminate its services upon thirty (30) days' written notice to the board. After receipt of such notice by either party the investment trustee concerned shall make an accounting within forty-five (45) days of the receipt of said notice.

(19) The masculine pronoun shall include the feminine pronoun.

Section 2. Name and Operative Date

A retirement system is hereby established and placed under the management of the board of trustees and the investment trustee, respectively, of the system for the purpose of providing retirement allowances and other benefits under the provisions of this ordinance for employees of the City of Montgomery. The system shall be a continuation of the retirement system established under Ordinance No. 16-59, as amended prior to the effective date of this ordinance, as the "Employees' Retirement System of the City of Montgomery," under which name all of its business shall continue to be transacted, all of its funds shall continue to be invested, all warrants for money shall continue to be drawn and all payments made, and all of its cash and securities and other property shall continue to be held as hereinafter provided. The "operative date" of the system shall continue to be the first day of June, nineteen hundred fifty-nine.

Section 3. Membership

(1) Any person who is a member of the retirement system under Ordinance No. 36-61, as subsequently amended, at the time of the adoption of this ordinance shall be a member of the system and in addition any person becoming an employee thereafter shall become a member of the system as a condition of his employment. Any employee who is elected as a mem-

ber of the board of commissioners and who is a member of the system at the time of such election may elect to terminate his membership in the system at the time of his election by filing with the board on a form prescribed by the board a notice of his election to terminate his membership in the system, and a duly executed waiver of all prospective benefits which would otherwise inure to him as a member, such notice to be filed not later than the day on which he assumes his duties as a member of the board of commissioners. Any person who is elected as a member of the board of commissioners and who is not a member at the time of his election shall become a member unless he elects in the manner set forth above not to become a member, and, if he has formerly served as an elected commissioner for a time which is insufficient for him to have secured a vested benefit, he may pay into the system such amount as he would have been required to pay into the system had he become a member when first eligible to do so during such prior term, and upon such payment, if any, shall receive credit for such prior service as if it had been creditable service.

(2) The board may, in its discretion and under such rules as it may prescribe, accept as members any class of persons in the service of the city whose compensation is paid other than on a monthly basis, or who are serving on a temporary basis, and it may also, in its discretion, make optional with persons in any such class their individual entrance into membership. Any such person shall be entitled to credit only for service rendered as a member, except that notwithstanding other provisions of this ordinance to the contrary, under such rules as the board may adopt, continuous service preceding the date of membership of such a member during which he was not eligible to become a member may be credited, provided contributions for such service are made by the member and by the city.

(3) Any employee whose membership in the system is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership, but no such employee shall receive credit for service prior to such date, except as provided under Subsection (1) of this section.

(4) It shall be the duty of the commission to submit to the board a statement showing the name, title, compensation, duties, date of birth and length of service of each member, and such information regarding other employees as the board may require, and on the basis thereof the board shall classify each member in one of the following groups:

Group I. General municipal employees.

Group II. Members of the Fire Department and the Police Department of the city, trained in firefighting or police work and actively engaged in such work or subject to call for such services, and the commissioners of said two departments.

Group III. Employees of the City Water Works and of the Sanitary Sewer Board.

Group IV. Employees of the Public Athletic Board.

The board shall certify to the member the group in which he is placed and the date of his admission to membership therein. When the duties of a member so require, the board may classify him in another group and shall certify to him the group to which he has been reclassified, except that no member having 15 or more years of service in one class may be so reclassified.

(5) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions or die or retire under the provisions of this ordinance, he shall thereupon cease to be a member. Provided, however, that when an employee has withdrawn his accumulated contributions and is again employed by the city within thirty days and again becomes a member of the system within said time, the board may in its discretion allow such employee to repay such accumulated contributions as he has previously withdrawn, and reinstate the prior service previously verified by the board.

(6) Notwithstanding any other provision of this ordinance, any employee eligible to become a member as of the operative date who elected not to become a member as of the said date may thereafter become a member if he or she has remained continuously in the employment of the city in the interim, by making written application to the board and paying to the system an amount equal to the accumulated contributions which would have been creditable to his account as of the date on which he becomes a member, had he elected to become a member as of the operative date. Upon such application and payment in full such person shall become a member and shall be credited with all service with which he would have been credited had he become a member as of the operative date. Such amount when deposited in the system shall become a part of the member's accumulated contributions.

Section 4. Service Creditable

(1) Each member shall receive membership service credit for all service rendered while a member of the system since he became a member, or since he last became a member in the

event of a break in his membership, on account of which contributions are made by the member.

(2) Each member who last became an employee prior to the operative date shall file a detailed statement of all service rendered by him prior to such date for which he claims credit, and of such other facts as the board may require for the proper operation of the system. The board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board allow credit as service for any period of more than one month's duration during which the employee was absent without pay. The board shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. When membership ceases other than by retirement, prior service previously verified shall be forfeited, and should the employee again become a member he shall enter the system as an employee not entitled to prior service, subject to the provisions of Subsections (1) and (5) of Section 3 of this ordinance.

(3) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of his total membership service plus any prior service verified by the board pursuant to Subsection (2) above.

(4) Anything in this ordinance to the contrary notwithstanding, credit for any period of absence due to compulsory service in the armed forces of the United States shall be allowed as service credit as if such service had been service as an employee of the city, provided the employee returns to city service within ninety days after becoming entitled to discharge from the armed forces or within ninety days after hospitalization continuing after discharge for a period of not more than one year.

Section 5. Administration

A. Investment Trustee

Each investment trustee shall have the following powers and duties (but no other):

(1) To retain inventoried assets delivered to it by the board so long as such retention appears advisable, including the right to retain investments previously made in its stock, if any, by the board.

(2) To sell, exchange, assign, transfer and convey any security or property, real or personal (whether in the original inventory or acquired by purchase or otherwise), at public or

private sale, at such time and price and upon such terms and conditions (including credit) as it may determine.

(3) To invest and reinvest in such stocks, bonds, and other securities and properties as it may deem advisable, including preferred stocks, common stocks, debentures, and unsecured obligations, undivided interests, interests in investment trusts, mutual funds, legal and discretionary common trust funds, and leases and property either inside or outside of Alabama.

(4) To register and carry any property in its own name or in the name of its nominee or to hold it unregistered but without thereby increasing or decreasing its liability as fiduciary.

(5) To vote in person or by proxy any stock or securities held and to grant such proxies and powers of attorney to such person or persons as it may deem proper. The board shall have the power to vote in person or by proxy any stock in each investment trustee.

(6) To consent to and participate in any plan for the liquidation, reorganization, consolidation or merger of any corporation, any stock or security of which is held.

(7) To receive reasonable compensation for its services either out of the fund administered by each Investment Trustee or from the general funds of the City, the amount or method of computation to be agreed upon between the board and each investment trustee.

(8) To receive funds or appropriations from the board or from the city to be held and administered hereunder, and to have custody of all investments delivered to it.

(9) To pay to the board on duly-authorized vouchers such funds as may be required to make current monthly payments of retirement allowances and expenses.

The powers and duties of each investment trustee shall apply from and after its selection by the board and delivery of assets to it, and no investment trustee shall have any duties in reference to or any liabilities for any acts or failures to act which occurred prior thereto.

B. Board of Trustees

(1) Except for the powers and duties prescribed for the investment trustee, the general administration and the responsibility for the proper operation of the system and for making effective the provisions of this ordinance are hereby vested in the board of trustees of the system.

(2) The board shall consist of seven trustees, as follows:

(a) The President of the board of commissioners, ex officio.

(b) Four trustees, to be appointed by the board of commissioners from the membership, one who is an employee in the Police Department, one who is an employee in the Fire Department, one who is classified as a general municipal employee and one who is an employee of the City Water Works or the Sanitary Sewer Board. The first four trustees so appointed shall be appointed for terms of one, two, three and four years, respectively. The terms of office of succeeding trustees so appointed shall be four years.

(c) Two trustees, to be appointed by the board of commissioners, who may or may not be members. The first two trustees so appointed shall be appointed for terms of one and two years, respectively. The terms of office of succeeding trustees so appointed shall be two years.

(3) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(4) The trustees as such shall serve without compensation.

(5) Each trustee shall, within ten days after his appointment, take an oath of office.

(6) Each trustee shall be entitled to one vote in the board. Four concurring votes shall be necessary for a decision by the trustees at any meeting of the board, and four trustees shall constitute a quorum of the board.

(7) Subject to the limitations of this ordinance, the board shall, from time to time, establish rules and regulations for the administration of the system and for the transaction of its business, including uniform standards for determining who are "employees" within the meaning of this ordinance.

(8) The board shall elect from its membership a chairman and a vice chairman, and shall appoint a secretary who may or may not be a member of the board. The board may employ personnel for secretarial and other service as shall be required.

(9) The board shall keep in convenient form such data as shall be necessary for actuarial valuation of the system and for checking the experience of the system.

(10) The board shall keep a record of all of its proceedings, which shall be open to public inspection. It shall

submit to the commission, annually, a report showing the fiscal transactions of the system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet indicating the financial condition of the system as shown by an actuarial valuation of the assets and liabilities of the system.

C. Legal Adviser

The City Attorney shall be the legal adviser of the board.

D. Medical Board

The board shall designate a Medical Board of one, two or three physicians who are not eligible to participate in the system. The Medical Board shall arrange for and pass upon all medical examinations required under the provisions of this ordinance, shall investigate all essential statements and certificates by or on behalf of a member in connection with application for disability retirement, and shall report in writing to the board its conclusions and recommendations upon all the matters referred to it.

E. Duties of Actuary

(1) The board shall designate an actuary who shall be the technical adviser of the board on matters regarding the operation of the system and who shall perform such other duties as are required in connection therewith.

(2) The board shall certify from time to time the rates of contribution payable by the city under the provisions of this ordinance, and shall adopt for the system from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables and the interest rate adopted by the board for the purpose of determining the city's contributions to the system, the actuary shall make annually an actuarial valuation of the assets and liabilities of the system. At least once in each five-year period the board shall cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the system.

Section 6. Benefits

(1) Service Retirement Allowance

(a) The minimum service retirement age shall be, for a member in Groups I, III or IV, the age at which he completes 20 years of creditable service or age 65, whichever occurs first. The minimum service retirement age shall be, for a member in Group II, the age at which he completes 20 years of creditable service or age 62. Any member in service who

has attained his minimum service retirement age shall be retired by the board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service. Such member shall be entitled to such retirement allowance whether he voluntarily separates from service or is dismissed for cause or for any other reason. In the event such member is dismissed for cause or for any other reason he shall be entitled to make application for and receive the retirement allowance hereinabove provided for upon his giving the written notice herein mentioned.

(b) Any member in service in Groups I, III or IV who has attained age seventy-two shall be retired forthwith by the board on a service retirement allowance; provided that upon the request of his department head, approved by the commission and the board a member who has attained age seventy-two may be permitted to continue in active service for a period of one year as the result of each such request. However, in no event shall any member be continued in active service after he has attained age seventy-five, except that the compulsory retirement age shall not be applicable to an official elected by vote of the people or to employees appointed other than through the personnel system. Notwithstanding an extension of a member's service after he has attained age seventy-two, such a member shall be retired by the board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

(c) Any member in service in Group II who has attained age sixty-two shall be retired forthwith by the board on a service retirement allowance; provided that upon the request of his department head, approved by the commission and the board, a member who has attained age sixty-two may be permitted to continue in active service for a period of one year as the result of each such request. However, in no event shall any member be continued in active service after he has attained age sixty-five, except that the compulsory retirement age shall not be applicable to an official elected by vote of the people; provided, that if a Group II member was a member on the effective date of this ordinance and on that date had attained age sixty-five, he may, on application to and with the approval of the board, remain in service for a period not in excess of one year from said effective date. Notwithstanding an extension of a member's service after he has attained age sixty-two, such a member shall be retired by the board on a service retirement allowance upon his written application set-

ting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

(d) The service retirement allowance of a member in Groups I, III or IV shall be 2% of his average final compensation multiplied by the number of years of his creditable service not in excess of 20 plus 1% of such compensation for each year of creditable service in excess of 20 years, subject to a maximum of 60% of average final compensation.

(e) The service retirement allowance of a member in Group II shall be 2½% of his average final compensation multiplied by the number of years of his creditable service not in excess of 20 years plus 1% of such compensation for each year of creditable service in excess of 20 years, subject to a maximum of 60% of average final compensation.

(2) Disability Retirement Allowance

(a) Any member in service who has had 5 years or more of creditable service may be retired for disability upon application of such member of the commission upon recommendation of the head of the division in which the member is employed, provided he meets the following requirements:

(i) The Medical Board after medical examination of such member shall certify that he is mentally or physically incapacitated for the further performance of duty; that such incapacity is likely to be permanent; and that the member should be retired for physical or mental disability.

(ii) The disability did not result from service in the armed forces of the United States, chronic alcoholism, addiction to narcotics, intentionally self-inflicted injuries, or injuries received while committing a felony.

(iii) He is not receiving or has not received any payments for such disability from the city under workmen's compensation or any other type of employer-provided payment for disability; provided however, that in the event such employee is entitled to any other such benefits from the city or any of its boards he may elect by filing with the board up to the time of the commencement of such benefits, his choice of the two benefits. In the event he chooses not to accept benefits under the system he shall withdraw his accumulated contributions in a lump sum.

(b) The disability retirement allowance shall be computed as a service retirement allowance on the basis of his average final compensation and creditable service at disability retirement.

(c) Should such a member become disabled under circumstances which fail to meet the requirements set forth in (i), (ii) and (iii) of Subsection (2) (a) above, he may elect in lieu of a return of his accumulated contributions as provided under Subsection (4) (a) of this section, to receive a deferred retirement allowance commencing at such time as he would be eligible to receive a service retirement allowance.

(3) Vesting Retirement Allowance

(a) Should any member be or have been involuntarily separated from service for any cause other than fault or delinquency on his part after having completed five or more years of creditable service, he may elect in lieu of a return of his accumulated contributions as provided under Subsection (4) (a) of this section, to receive a deferred retirement allowance commencing twenty years from the beginning of creditable service with the city or age 50, whichever occurs first. Failure of re-election of a member elected by vote of the people shall not be construed as fault or delinquency on the part of such member.

(b) The vesting retirement allowance shall be computed as a service retirement allowance on the basis of the member's average final compensation and creditable service at separation from service.

(c) Notwithstanding the foregoing, the member may at any time prior to the commencement of his vesting retirement allowance revoke such election and receive in lieu of all benefits the amount of his accumulated contributions. In the event of the death prior to the commencement of the vesting retirement allowance of a member who has made the election provided for herein, the amount of his accumulated contributions shall be paid under the provisions of Subsection (4) (b) of this section in lieu of any other benefit provided for in this section.

(4) Return of Contributions

(a) Should a member cease to be an employee for any reason other than death or retirement under the provisions of this ordinance, he shall be paid on demand his accumulated contributions.

(b) Upon the receipt of proof, satisfactory to the board, of the death of a member, his accumulated contributions shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the board if such person survives him, otherwise to the estate of the member.

(5) Re-Examination of Beneficiaries Retired on Account of Disability

(a) The board may at any time and as often as it sees fit, not in excess of once in each 12 months, require any disability beneficiary to undergo a medical examination if he has not yet attained his minimum service retirement age, such examination to be made at the place of residence of such beneficiary, the office of a physician selected by the board, or other place mutually agreed upon. Should any disability beneficiary refuse to submit to such medical examination his retirement allowance may be discontinued by the board until his withdrawal of such refusal, and should his refusal continue for over one year, all his rights in and to that portion of his retirement allowance which is provided by the contributions of the city may be revoked by the board.

(b) In the event a member retired on a disability retirement allowance secures gainful employment paying more than the difference between his retirement allowance and his average final compensation, then the amount of his retirement allowance shall be reduced to an amount which, together with the amount earnable by him, shall equal the amount of his average final compensation but, in no event, to an amount less than the portion of his allowance provided by his accumulated contributions. Should his earning capacity be later changed, the amount of his retirement allowance may be further modified in like manner. Any member retired on a disability allowance shall advise the board of any gainful employment. The board may make such investigation at any time in reference to any gainful employment of any retired beneficiary, up to the time he attains his minimum service retirement age, and such beneficiary shall answer any questions and furnish information, including copies of federal income tax returns, as the board may require.

(6) Restoration of Beneficiaries to Membership

Should a disability beneficiary be restored to or be in service at a compensation equal to or greater than his average final compensation at retirement, or should any other beneficiary be restored to service, his retirement allowance shall cease, any election of an optional benefit shall become void, he shall again become a member of the system and shall contribute thereafter at the then prevailing rate. An amount equal to the actuarial reserve held for the part of his retirement allowance provided by his contributions shall be credited to him as accumulated contributions. Any creditable service to which he was entitled when he retired shall be restored to him, and upon subsequent retirement his retirement allowance shall be based on his compensation and creditable service before and

after the period of prior retirement; provided that if he does not complete three years of creditable service after his restoration to service, the part of his retirement allowance upon subsequent retirement payable with respect to creditable service rendered before the period of his previous retirement shall be equal to his previous retirement allowance with all of the provisions of any option restored, if one was elected, with respect to such part of his retirement allowance.

(7) Optional Allowances

Until the date of his retirement and, in the case of a member eligible for a vesting retirement allowance, the date as of which such allowance is to commence, any member may elect to convert the retirement allowance otherwise payable to him into a modified retirement allowance of equivalent actuarial value in accordance with one of the optional forms named below. Such election shall become effective on the member's retirement date or the date as of which his vesting retirement allowance is to commence, as the case may be.

Option 1. A reduced retirement allowance payable during the life of the retired member, with the provision that if he dies before he has received in payments of his allowance the amount of his accumulated contributions at the time of his retirement, the balance of such amount shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the board if such person survives him, otherwise to the retired member's estate; or

Option 2. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board at the time of retirement; or

Option 3. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board at the time of retirement; or

Option 4. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death some other benefit shall be payable, provided that the total value of the allowance during his life and the succeeding benefit shall be computed to be of equivalent actuarial value to the retirement allowance which he would receive

without optional modification and provided that the benefit shall be approved by the board.

(8) **Preservation of Benefits Accrued Under the System Prior Hereto**

Anything herein contained to the contrary notwithstanding, the retirement allowance payable under the system to a member immediately prior to the effective date of this ordinance, who continued without a break in membership to his retirement date or termination of employment entitling him to a benefit hereunder, shall not be less than the benefit which would otherwise be payable to him under the system as in effect prior to the effective date of this ordinance, based on his creditable service to and his compensation earned prior to paid date.

Section 7. Method of Financing

All of the assets of the system shall be credited, according to the purpose for which they are held, among three accounts, namely, the Members' Account, the Accumulation Account and the Expense Account.

(1) **Members' Account**

(a) The Members' Account shall be the account in which shall be held the accumulated contributions of members.

(b) The board shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period 6% of his earnable compensation. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation of any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the annual compensation upon the basis of which such deduction is made.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such

payment, except as to the benefits provided under this ordinance.

(d) The proper authority or officer responsible for making up the payroll shall certify to the board the amounts deducted on each and every payroll, and each of such amounts shall be paid into the Members' Account and credited to the individual account of the member from whose compensation the deduction was made.

(e) The accumulated contributions of a member paid upon his death or withdrawn by him, as provided in this ordinance, shall be paid from the Members' Account. Upon the retirement of a member, his accumulated contributions shall be transferred from the Members' Account to the Accumulation Account.

(2) Accumulation Account

(a) The Accumulation Account shall be the account in which shall be accumulated all contributions made by the city to provide benefits under the system and from which shall be paid all retirement allowances and other benefits under the system, other than those payable from the Members' Account.

Regular Contributions by the City

(b) On account of each member there shall be paid annually into the Accumulation Account a certain percentage of the compensation of each member to be known as the "normal contribution," and an additional percentage of his compensation to be known as the "accrued liability contribution." The rates per centum of such contribution shall be fixed on the basis of the liabilities of the system as shown by actuarial valuation.

(c) The normal rates of contribution shall be determined after each actuarial valuation. During the period over which the accrued liability contributions are payable, the normal rates of contribution shall be determined, on the basis of regular interest and the tables last adopted by the board, as the uniform and constant percentages of the compensation of the average new entrant Group I, Group III or Group IV member, or Group II member, as the case may be, which, if contributed on the basis of the prospective compensation of such new entrant throughout his entire period of active service, would be sufficient to provide for the payment of the portion of any retirement allowance or other benefit payable on his account not provided by his own contributions. After the accrued liability contributions have ceased to be payable, the normal contribution rate shall be the rate per centum of the compensation of all members obtained by deducting from the total liabilities of the Accumulation Account the amount of the funds in hand stand-

ing to the credit of the Accumulation Account, and dividing the remainder by one per centum of the present value of the future compensations of all members, as computed at regular interest on the basis of the tables last adopted by the board.

(d) Immediately succeeding the valuation as of December 31, 1968, the accrued liability contribution rates shall be computed as the rate per centum of the total annual compensation of all Group I, Group III and Group IV members, or Group II members, as the case may be, which is equivalent to $4\frac{3}{4}\%$ of the amount of the total liabilities of the Accumulation Account on account of such members and their beneficiaries in excess of the funds in hand held on their account in the Accumulation Account, which is not dischargeable by the aforesaid normal contributions made on account of such members during the remainder of their active service.

(e) The total amount payable by the city in each year to the Accumulation Account shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate, of the total compensation of all members in Groups I, III and IV and in Group II, respectively, during the preceding year; provided, however, that the amount of each annual accrued liability contribution shall be at least 3% greater than the preceding annual accrued liability contribution, and that the aggregate payment shall be sufficient, when combined with the amount in the account, to provide the retirement allowances and other benefits payable to members and beneficiaries during the year then current.

(f) The accrued liability contributions shall be discontinued as soon as the amount of the funds standing to the credit of the Accumulation Account shall equal the present value, as actuarially computed and approved by the board, of the total liabilities of the account on account of all members and beneficiaries less the present value of the normal contributions to be received at the normal rates then in force on account of persons who are at that time members.

Interest

(g) All interest and dividends earned on the funds of the system shall be credited to the Accumulation Account.

(h) Regular interest shall mean interest at the per centum rate or rates compounded annually as shall be determined by the board from time to time, limited to a minimum of 2% and a maximum of 5%.

Benefits Payable from Accumulation Account

(i) All retirement allowances to beneficiaries, and bene-

fits in lieu thereof, shall be paid from the Accumulation Account.

(3) Expense Account

The Expense Account shall be the account to which shall be credited all money provided by the city to pay the administration expenses of the system, and from which shall be paid all the expenses necessary in connection with the administration and operation of the system.

(4) Appropriations

On or before the first day of August of each year the board shall file with the commission its certification of the amount of the appropriation necessary to pay the normal and accrued liability contributions to the retirement fund for the ensuing year, and the amount of appropriation required to cover the expenses necessary in connection with the administration and operation of the system, and such amounts shall be included in the budget, in accordance with legal budget procedure.

Section 8. Management of Funds

(1) Investments shall be managed by the investment trustee. The board shall otherwise manage the system.

(2) The board shall designate one of its members, with an appropriate bond, or a bank or trust company, to be the custodian of the funds of the system other than those in the possession of the investment trustee. All payments from such funds of the system shall be made only upon regular vouchers signed by two persons designated by the board. A duly attested copy of a resolution of the board designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the custodian as his authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the board.

(3) For the purpose of meeting disbursements for retirement allowances and other payments there shall be kept on deposit available cash in an amount to be determined from time to time by the board. The board shall notify the investment trustee in writing of the amount determined by the board to be desirable. No voucher shall be drawn unless it shall have been previously authorized by resolution of the board.

(4) Except as otherwise herein provided, no member nor employee of the board shall have any direct or indirect interest in the gains or profits of any investment made by the board or the investment trustee, nor as a member of the board receive any pay or emolument for his services. No member nor em-

ployee of the board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board.

Section 9. Member Disqualified if Receiving Other City Payments

Anything in this ordinance to the contrary notwithstanding, any person who receives benefits directly from the city or from the funds of the city or from any board or commission connected with the city, for any disability, shall receive no retirement benefits or disability benefits under this system, but shall be entitled to a return of his accumulated contributions.

Section 10. Return of Contributions

Wherever in this ordinance provision is made for return of contributions of a member, such return shall be made without payment of interest for the period subsequent to December 31, 1968.

Section 11. Assignments Prohibited

The property and funds of the system, the contributions of members deducted from their compensation, the right of a person to a retirement allowance or other benefit, and any other right accrued or accruing to any person under the provisions of this ordinance and the moneys in the accounts created by this ordinance shall not be subject to taxation by the city nor by the State of Alabama, nor be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever to satisfy any debt or liability of any member, and shall be unassignable except as in this ordinance specifically provided.

Section 12. Protection Against Fraud

Whoever with intent to deceive shall make any statements or reports required under this ordinance which are untrue, or shall falsify or permit to be falsified any record or records of this system shall be fined not to exceed one hundred dollars, or imprisoned not to exceed six months, or both.

Section 13. Errors

Should any change or error in the records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, the board shall have the power to correct such error, and as far as practicable, to adjust the payments in such manner that benefits of equivalent actuarial value to the benefit to which such member or beneficiary was correctly entitled shall be paid.

Section 14. General Conditions

(1) The Board shall have the continuing right and power to amend or supplement this ordinance at any time, which right and power is hereby expressly reserved, but no amendment shall be adopted which will reduce the then accrued benefits of employees or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits, except that any amendment or supplement which would result in additional contributions by the City shall be approved by the Board and the Commission.

(2) All provisions of any ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

(3) If any section or part of any section of this ordinance is declared to be unconstitutional, the remainder of the ordinance shall not thereby be invalidated.

Section 15. Effective Date

The operation of this act shall be retroactive to May 1, 1969, and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 757

S. 875—Baker, McDonald (S)

AN ACT

Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376, S. 577, Regular Session 1971 (Act 1971), p. 669), is hereby amended to read as follows:

“Section 1. The members of the DeKalb County board of equalization shall be paid ten dollars (\$10.00) per diem for each day's attendance upon the sessions of the board in addition to the compensation provided by Sections 94 and 95, Title 51, Code of Alabama 1940, as amended. The additional per diem pay herein provided shall be paid in monthly installments

on order of the chairman of the county governing body out of the county general funds."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 758

S. 876—Baker, McDonald

AN ACT

To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the scholarship and loan commission of DeKalb County, which shall consist of one medical doctor, one dentist, one pharmacist, the chairman of the county governing body, one mayor, one lawyer, and two members of the general public. All of the members of the commission shall be residents of DeKalb County and shall be appointed by and serve at the pleasure of the county governing body, and shall serve without pay.

Section 2. It shall be the duty of the commission to review applications from college students whose primary residence is DeKalb County, and who intend to pursue a career in medicine. After careful screening of applicants, the commission is empowered to offer loans or full scholarships with a written requirement that after completion of training, the individual will practice medicine in DeKalb County for a specified number of years.

Section 3. The county governing body may establish a fund for the purpose of carrying out the intent of this act, and may contribute from the general fund of the county, an amount of money to be determined by them. This fund shall be invested and disbursed by the commission for the purposes of this act.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable, if any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 759

S. 877—Baker, McDonald (S)

AN ACT

To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 218, H. 708, 1973 Regular Session (Acts 1973, p. 252) is hereby amended to read as follows:

“Section 1. When used in this act:

“a. The phrase ‘routine maintenance’ shall mean and include scraping, blading, ditching, resurfacing, spot cherting, repair damaged bridges, planting grass on right of way, install or replace tile for drainage.

“b. The phrase ‘betterment projects’ shall mean and include new paving, grade-drain and temporary surface, striping and new bridge construction.

“Section 2. The authority and responsibility of the designation and setting up of betterment projects for roads and bridges in DeKalb County is hereby vested in the County Commission or the governing body of DeKalb County. The authority and responsibility for routine maintenance shall remain with the state highway director by and through the district engineer for DeKalb County. No money shall be spent for betterment projects for roads and bridges in DeKalb County except as authorized by the DeKalb County Commission as provided herein by resolution duly adopted and spread upon the minutes of meeting of the governing body of DeKalb County. The final approval of betterment projects in DeKalb County shall be with the State Highway Director who shall have the power to veto any particular project on the ground that it does not serve the public interest or public needs or does not serve

a sufficient amount of traffic to justify the expenditure. No betterment project shall be commenced until all the requirements of Section 3 of this Act have been met."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 760

S. 878—Baker, McDonald (S)

AN ACT

Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the DeKalb County governing body shall receive a salary of \$1,250 per month. Said salary shall be payable from the general funds of the county in the manner prescribed by law and shall become effective upon the expiration of the term of office of the incumbent chairman of the county governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 761

S. 879—Baker

AN ACT

Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful in DeKalb County, except as to trapping as otherwise provided by law, for any person

to take, capture or kill or attempt to take, capture or kill any bird or animal protected by the laws of this state between sunset and daylight of the following day. Provided, however, the director of conservation shall have the authority, by a duly promulgated regulation, to allow the taking, catching or killing of raccoons and o'possums between sunset and daylight in DeKalb County. Provided, further that if the taking, catching or killing of raccoons and o'possums is permitted during said nighttime hours in DeKalb County by regulations of the director of conservation, such animals may only be legally taken with the use of a light and/or shotgun using shot no larger than number eight, or a .22 caliber rim fire rifle, and the person or persons so hunting must be accompanied by a dog or dogs, and if hunting on the lands of another they must have the written permission of the landowner. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense and at the discretion of the court may be imprisoned in the county jail for a period not to exceed six months.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 762

S. 880—McDonald (S)

AN ACT

Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The several members of the DeKalb County Commission or other like governing body shall next be elected at the general election in 1978. Those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve on said commission or other like governing body until their successors are elected and qualified.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 763

S. 898—Edwards

AN ACT

Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294) is hereby amended to read as follows: "An act relating to Morgan County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner, repealing conflicting laws, and subject to the ratification of a constitutional amendment and a county referendum vote thereon."

Section 2. Section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294) is hereby amended to read as follows:

"Section 11. This act shall become effective upon the approval of an amendment to the Constitution of Alabama authorizing the legislature to combine the offices of tax assessor and tax collector of Morgan County into one office of county revenue commissioner, and upon the approval of this act by a majority of the electors of Morgan County voting in a referendum to be held in the statewide general election of 1976. The governing body of Morgan County shall order and provide for the holding of the referendum on that date. On the ballots to be used at the election the question shall be stated substantially as follows: 'Shall the provisions of Act No. 261, enacted by the Legislature in 1973, which provides for the consolidation of the offices of tax assessor and tax collector in Morgan County into one office known as county revenue commissioner, be adopted? "Yes" () "No" ().'"

If a majority of the votes cast at the election are "Yes", then the provisions of this act shall become effective. If a majority of the votes cast are "No" this act shall have no further force and effect. The results of the election shall be certified by the probate judge of Morgan County to the secretary of state of Alabama, who shall make a permanent record thereof.' "

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 764

S. 926—Edwards

AN ACT

Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census wherein corporations have heretofore or shall hereafter be organized within such counties under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended.

Section 2. The Board of Directors of each corporation organized under and pursuant to Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, as amended, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation, and apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation, and upon any public ways contiguous to any part of such property and grounds. Said persons shall be charged with all of the duties and invested with all of the powers of police officers when acting as aforesaid and may eject trespassers from corporation buildings and grounds, and may, without a warrant, arrest any person guilty of disorderly conduct or trespass upon the property of the corporation in violation of any applicable municipal ordinance or state law or for any public offense committed in their presence, and carry them before the City Recorder, or other proper officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant; and such officers may, with a warrant, arrest any person found upon or near the premises of the corporation property charged with any public offense and take them before the proper officer. The jurisdiction of such officers granted herein shall be co-extensive with the jurisdiction and authority of police officers of any municipality within which the buildings and grounds of the corporation are located.

Section 3. All officers appointed pursuant to the provisions of this Act shall be exempt from all of the terms, provisions and conditions set forth in Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended.

Section 4. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts or applications.

Section 5. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

AN ACT

Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Chilton County shall be entitled to receive compensation as follows:

- (a) The judge of probate, an annual salary of \$21,000
- (b) The tax assessor, an annual salary of \$15,000
- (c) The tax collector, an annual salary of \$15,000
- (d) The clerk of the circuit court, an annual salary of \$18,000
- (e) The register of the circuit court, an annual salary of \$7,200

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, tax collector, clerk of the circuit court and register of circuit court, hereafter shall be collected and paid into the general fund of the county.

Section 3. The governing body of Chilton County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective on the first day

of the first month beginning after the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to so regulate the compensation of such officers; provided that a majority of the qualified electors of Chilton County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Chilton County on such amendment is not favorable thereto, then this act shall have no force or effect. Provided further, should there be constitutional or statutory prohibitions preventing any of these public officers named herein from receiving such prescribed compensation as of such date, the provisions of this act shall become effective as to them immediately following the date upon which such prohibition expires.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 766

S. 931—Littleton

AN ACT

To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the Court of Law and Equity in Chilton County shall be entitled to receive an expense allowance of two hundred dollars (\$200) per month, payable in monthly installments out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 767

S. 934—Edwards

AN ACT

Relating to Morgan County; to allow the probate judge's office to close upon authorization by the County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Morgan County is hereby authorized, in its discretion, to close the office of the

judge of probate of said county in accordance with the similar closing of other county offices as provided for by existing law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 768

S. 935—Edwards

AN ACT

Relating to Morgan County; to provide for the location of the offices of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Board of Education is hereby authorized to sell any property and facilities currently housing the offices of the county board of education located in the City of Decatur and to purchase additional property and facilities anywhere in Morgan County. Any such additional property and facilities shall be financed with the funds obtained from the sale of the old property and facilities in addition to any other funds provided for such purpose.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 769

S. 936—Edwards

AN ACT

To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision pur-

poses or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Morgan County shall decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits or police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 770

S. 943—Littleton

AN ACT

To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court reporter of the Court of Law and Equity in Chilton County shall be entitled to receive an expense allowance of one hundred dollars (\$100) per month, payable in monthly installments out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 771

S. 1048—Baker

AN ACT

Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy District Attorney (County Solicitor) of DeKalb County that is paid by DeKalb County shall be set by the DeKalb County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year.

Section 2. The office of Deputy District Attorney shall be a full-time job, and no one holding that office shall do any work as an attorney or receive any fees for work done as an attorney outside the scope of his duties as Deputy District Attorney.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 772

S. 1106—Noonan, Mims

AN ACT

To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 606 of Title 2 of the Code of Alabama 1940, as amended, is hereby amended to read as follows:

“Section 606. Bottles for milk and cream. — Bottles or other containers used for the sale of milk or cream shall be of

the capacity of one gallon, *three quarts*, one-half gallon, one quart, one-third quart, one pint, one-half pint, and one gill. Each bottle or other container used for the sale of milk or cream shall be clearly and permanently marked with its capacity, and with the word "sealed." For purposes in identification such bottles and other containers shall also have clearly and permanently marked thereon the name, initials, or trademark of the manufacturer and the manufacturer's mold designation which identifies the pattern or design of the bottles. The capacity designation and the word "sealed" shall be clearly and permanently marked on the side of the bottle or container. A bond of one thousand dollars (\$1,000.00) with surety to be approved by the commissioner, together with a complete description of the bottle or container shall be furnished the commissioner by the manufacturer, conditioned upon their conformance with the requirements of this section and such regulations as may be promulgated by the state board of agriculture and industries for the purposes of this section. A record of the bonds furnished and identification shall be kept in the office of the commissioner."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 773 S. 1110—Edwards, McDonald (A), King, Baker

AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in

the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hands funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, 14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 774

S. 937—Edwards

AN ACT

To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the Board of Revenue and Control of Morgan County, are hereby amended to read as follows:

“Section 3. The commission (formerly Board of Revenue and Control) shall hold regular meetings at the courthouse of said county beginning at 10:00 A.M. on the second and fourth Monday of each month, and at such meeting the business of the county shall be taken up, considered, and transacted in due order, and the meeting may be adjourned to a day certain either before or after the next regular meeting. The chairman or any two members of the commission may call a special meeting of the commission by giving five days written notice to each member of the commission, which notice may be waived by the members of the commission by filing a written waiver to be incorporated in the minutes of the commission. The chairman shall keep minutes of the acts and proceedings of the commission in a well-bound book.

“Section 16. Any vacancy in the office of the chairman or member of the commission shall be filled for the remainder of the term of office in which the vacancy occurred by the commission by resolution passed and entered on its minutes.

“Section 17. The salaries of the chairman and the clerical and stenographic assistants to the chairman shall be paid out of the general fund of the county. The salary of the members of the commission shall be paid out of the general fund of the county or a part of the salary of the members of the commission may be paid out of the moneys received by Morgan County from the State of Alabama as its portion of the tax levied by the state on gasoline and other motor fuels and oils, provided, however, that the part of said salary so paid out of the gasoline tax revenue shall bear the same proportion to the total salary paid to said member as the time devoted by said mem-

ber to supervising, inspecting, accepting, building or repairing county roads or bridges bears to the total time devoted by said member to all of his duties as a member of the county governing body, as the commission may determine from time to time."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 775

S. 158—Mitchell, Powell

AN ACT

Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff.

Section 2. One dollar of each fee collected under Section 1 of this Act shall be paid into the county treasury and the remaining four dollars of each fee shall be deposited by the sheriff of Crenshaw County in any bank located in Crenshaw County, into a fund known as the sheriff's fund.

Section 3. The sheriff's fund provided for in Section 2 of this Act shall be drawn upon by the sheriff of Crenshaw County or his appointed agent and shall be used exclusively for the purchase of equipment and supplies in the sheriff's office.

Section 4. The establishment of the sheriff's fund as provided in this Act and the use of such funds in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 776

H.J.R. 339—Coburn

HOUSE JOINT RESOLUTION

COMMENDING THE TUSCUMBIA SENIOR LEAGUE ALL STARS.

WHEREAS, the Tuscumbia Senior League All Stars won the District 6 Championship for the second consecutive year; and

WHEREAS, the Tuscumbia Senior League All Stars won the Alabama State Championship for the second consecutive year; and

WHEREAS, the Tuscumbia Senior League All Stars won the Section one (1) championship for the second consecutive year; and

WHEREAS, the Tuscumbia Senior League All Stars reached the finals of the Division 2 tournament in Louisville, Kentucky for the second consecutive year before being eliminated from tournament play; and

WHEREAS, the Tuscumbia Senior League All Stars compiled an enviable 16-4 record in tournament play; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our heartiest commendations and most sincere appreciation to the Tuscumbia Senior League All Stars for their outstanding play and sportsmanship while representing the State of Alabama in Little League Tournament Play.

BE IT FURTHER RESOLVED, That the clerk of the House send a copy of this resolution to the coaches and players, as follows:

Keith Gore, 806 S. Washington, Tuscumbia
Farley Davis, III, 605 N. High
Donice Scott, 808 Virginia
Jeff Ayres, 303 W. Maple
Johnnie Barrett, Rt. 2
Jimmy Scott, 1517 Woodmont
Jimmy Davis, 1126 Lee Highway
Timmy Thompson, 1304 E. 5th
Keith Coates, 1016 East Wood Drive
Bart Mitchell, 929 Vista Circle
Tim Balentine, 1305 English Lane
Danny Sasser, 703 Volunteer
Roy Dean Morris, Locust Shores, Rt. 1
David Hites

Coaches: Billy Ray Tompkins, 1429 Circle Drive
G. W. Mitchell, 929 Vista Circle

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 777 H.J.R. 350—Turnham, Higginbotham, Baker,
Smith (M)

HOUSE JOINT RESOLUTION

COMMENDING DEAN PIERCE FOR 20 YEARS AS DEAN
OF EDUCATION AT AUBURN.

WHEREAS, Dean Truman N. Pierce relinquished his
Deanship of the School of Education at Auburn University on
August 31, 1975 after 20 years of outstanding service; and

WHEREAS, this fine friend, colleague and distinguished
educator of Auburn University will be honored on October 10,
1975 at a recognition Banquet in Birmingham; and

WHEREAS, This body wishes to honor Dr. Pierce upon
his dedicated and loyal service to Auburn University; now
therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-
BAMA, BOTH HOUSES THEREOF CONCURRING, That
we commend Dean Pierce for his fine accomplishments and wish
him the best of luck upon his retirement from Auburn.

BE IT FURTHER RESOLVED, That a copy of this reso-
lution be presented to Dean Pierce.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 778 H.J.R. 351—McMillan, Kinsey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM E. FRETWELL
OF PERDIDO

WHEREAS the Alabama Legislature has noted with a
sense of deep regret the passing of William E. Fretwell of
Perdido; and

WHEREAS he was a prominent and influential leader in

the civic and religious life of his community, having served as pastor of Fretwell's Tabernacle for many years; and

WHEREAS he was ever ready to contribute to the needs of his fellow men having engaged in various religious activities with the Creek indians; and

WHEREAS he exhibited throughout his life those admirable attributes of devotion to duty and concern for others. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of William E. Fretwell of Perdido and express our deep and sincere sympathy to his widow, Mrs. Lavada Fretwell and his family to whom copies of this resolution shall be sent.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 779

H.J.R. 352—Kinsey. McMillan

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CECIL R. BLACKWELL OF BON SECOUR

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Cecil R. Blackwell of Bon Secour; and

WHEREAS he was a lifelong citizen of Baldwin County and was ever ready to contribute to the needs of his community and for the progress and betterment of his state and country; and

WHEREAS he will long be remembered as a star athlete for Foley High School during the late 1930's; and

WHEREAS he passed away in a Foley hospital on Thursday, September 4, 1975, after a lengthy illness which he bore with courage and simple dignity to the end; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Cecil R. Blackwell of Bon Secour and express our deep and sincere sympathy to his widow, Mildred Blackwell, and his family to whom copies of this resolution shall be sent.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 780

H.J.R. 359—Quarles

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GERALD CARL SWANN

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of Gerald Carl Swann; and

WHEREAS, Mr. Swann was assistant District Attorney of St. Clair County and the former Mayor of Ashville; and

WHEREAS Gerald Carl Swann, used his talents for the betterment of the citizens of his community and state; and

WHEREAS, Mr. Swann was a prominent and influential leader in the civic, social and religious life of his community; and

WHEREAS, Gerald Carl Swann was educated in the schools of Ashville, Sneed Junior College, the University of Alabama, and received his law degree from the University of Alabama Law School; and

WHEREAS, this public servant was President of the St. Clair Bar Association, a member of the State Bar Association and the Ashville Baptist Church, and on the Board of Directors of the Ashville Savings Bank, and was active in a number of other civic organizations; and

WHEREAS, Mr. Swann is survived by his wife, Mrs. Helen Jones Swann; and three children: Mrs. Susan Little, Mrs. Ellen Milam, and Mr. Gerald Swann, Jr.; a number of other relatives and many friends who mourn his death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we feel keenly the death of Mr. Gerald Carl Swann and extend our sincere sympathy to the surviving members of his family to whom a copy of this resolution shall be sent.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 781

H.J.R. 354—Waggoner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF THE HONORABLE ORVILLE E. BRADDOCK, MAYOR OF HOOVER

WHEREAS, the City of Hoover and the State of Alabama suffered a profound loss in the sudden death of a distinguished public official, Mayor Orville E. Braddock, on September 12, 1975; and

WHEREAS, Mayor Braddock, known affectionately as "Brad" to his host of friends and admirers, had guided the growth of Hoover from a small town to one of the fastest-developing cities of Alabama; and

WHEREAS, during his seven years in office Mayor Braddock's tremendous dedication produced many advancements for the City he served, including the construction of an outstanding City Hall, Fire Station and Police Station; and

WHEREAS, the symbols of progress that he left his City were but one indication of his love for people and perseverance in every task that he undertook which Mayor Braddock demonstrated both in public office and in his private employment as an insurance executive; and

WHEREAS, Mayor Braddock was an active worker for the betterment of municipal government at the county and State levels, having served as Vice President of the Jefferson County Mayors Association and on the Alabama League of Municipalities' Executive Committee, Legislation Committee and Environmental Quality Committee; and

WHEREAS, Mayor Braddock served his country with valor during World War II and in addition to his public and professional life made many valuable contributions to the religious, civic and cultural life of his city, county and State; and

WHEREAS, Mayor Braddock is survived by his wife, Mrs. Elsie Braddock; two daughters, Mrs. Ken Burnett and Miss Amy Braddock, and one grandson, Master Scott Burnett; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the sudden passing of the Honorable Orville E. Braddock, Mayor of the City of Hoover, Alabama, and extend our heartfelt sympathy to the surviving members of his family to whom a copy of this resolution shall be sent.

BE IT FURTHER RESOLVED that a copy of this resolution shall also be sent to the City of Hoover in preservation of the memory of Mayor Braddock.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 782

H.J.R. 364—Holley

HOUSE JOINT RESOLUTION

CONGRATULATING OUR FIRST LADY, MRS. CORNELIA WALLACE, ON THE HONORS THE CITIZENS OF ELBA BESTOWED UPON HER ON SEPTEMBER 12, 1975

WHEREAS the citizens of Elba declared September 12, 1975, Cornelia Wallace Day; and

WHEREAS the people of Elba were moved to hold this gala celebration because of the love, esteem and appreciation they hold for their daughter and to recognize her many contributions as First Lady to this great state and the community of Elba; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama joins in with the citizens of Elba in thanking Cornelia Wallace for her unique contributions which have brought a sense of pride to our beloved state, and we do heartily congratulate Mrs. Wallace on the honors bestowed upon her by the citizens of Elba on September 12, 1975, Cornelia Wallace Day.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Cornelia Wallace.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 783

H.J.R. 371—Turnham

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF PROFESSOR GEORGE WALTER HARGREAVES

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Professor George W. Hargreaves; and

WHEREAS Mr. Hargreaves was a professor with the Auburn School of Pharmacy from 1926 until his retirement in 1973; and

WHEREAS he was a man of many talents who never shunned responsibility but rather spearheaded numerous and worthwhile endeavors, such as helping establish the Auburn Pharmacy Alumni Association, and taking the lead in organiz-

ing and coaching the first Auburn University golf team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Professor George Walter Hargreaves and express our deep and sincere sympathy to his widow, Jewel Hargreaves, and his family to whom a copy of this resolution shall be sent.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 784

H.J.R. 380—Biddle

HOUSE JOINT RESOLUTION

COMMENDING THE FULTONDALE HIGH SCHOOL BAND.

WHEREAS, the Fultondale High School Band of Fultondale, Alabama, has in three short years distinguished itself by winning numerous state, regional and district honors; and

WHEREAS, during the last year, under the leadership of Mr. Danny J. Glaze, its director, and Mr. Jack Hazelrigg, the principal of Fultondale High School, its many distinctions and honors have brought recognition to the school, community and state, including: Appearing on national television last December at half-time during the Blue-Gray classic; rating superior at the Tarrant Marching Festival; representing District IV at the State Band Competition where the band received a rating of good; and

WHEREAS, this 100-member band has many individuals who have earned county and state honors, and its one-year old jazz ensemble is looking forward to its first competition this year; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fultondale High School Band of Birmingham, Alabama, be commended for its achievements and excellence of performance and that said band, its capable and dedicated director, Mr. Danny J. Glaze, and its principal, Mr. Jack Hazelrigg, be further commended for the distinction and honor that they have brought upon its members, Fultondale High School, the community and state.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be sent to the Fultondale High School Band, Mr. Danny J. Glaze, and Mr. Jack Hazelrigg.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 785

H.J.R. 390—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE CHILTON COUNTY RESCUE SQUAD UPON THEIR 20TH ANNIVERSARY

WHEREAS in September of 1955 several far-sighted and civic minded gentlemen recognized the existing need for a rescue squad in Chilton County; and

WHEREAS at that time the citizens of Chilton County had no official group to call upon in time of need except the Sheriff's Department which was overworked and under staffed; and

WHEREAS these hearty and dedicated gentlemen dedicated themselves to this worthy cause, even to the extent that they begged and skimped for makeshift equipment and supplies so that their dream would become a reality; and

WHEREAS from this humble origin, the Chilton County Rescue Squad has achieved greatness and is now recognized as one of the finest in the state; and

WHEREAS the men who have served as members of this fine unit through the years have possessed those admirable qualities of determination, perserverance, faith and dedication to service and have time and again rendered to their fellow man unselfish help in time of crisis; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate the Chilton County Rescue Squad upon the celebration of its 20th Anniversary and long may this squad exist and be recognized for its record of patriotic and unselfish service.

RESOLVED FURTHER, That a copy of this resolution be sent to the Chilton County Rescue Squad.

Approved October 6, 1975.

Time: 3:30 P.M.

AN ACT

Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the department of conservation and natural resources is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of any counties except in municipal parks in this state having populations of 600,000 or more according to the most recent federal decennial census by the use of wire baskets having a mesh of one inch or larger.

Section 2. Any person desiring a license to fish with such wire baskets in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in such county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents for each license so issued, which fee shall be in addition to the amount designated in this act as the cost of such license. The probate judge shall issue such license on forms provided by the department of conservation and natural resources and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this act shall be remitted to the department of conservation and natural resources on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of any such counties under the provisions of this act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the department of conservation and natural resources.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in such county under the provisions of this act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this act shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this act to sell or offer for sale any fish within or without any such counties. (It is the specific intent of this act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the department of conservation and natural resources.

Section 9. Any person who violates the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this act are hereby repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 787

H. 64—McNees, Merrill

AN ACT

To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646), is hereby amended to read as follows:

"Section 1. Owners of Motor Vehicles who are residents of the State of Alabama, and who hold valid Amateur Radio Station or Citizen's Band Radio licenses issued by the Federal Communications Commission, upon application, accompanied by proof of ownership of such Amateur Radio Station or Citizen's Band Radio license, complying with the State Motor Vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for tags, as provided by law, and the payment of an additional fee of \$3.00, shall be issued license plates, as provided by law, for private or pleasure motor vehicles, upon which, in lieu of the numbers as prescribed by law, shall be inscribed the official Amateur Radio Station or Citizen's Band Radio call letters of such applicant as assigned by the Federal Communications Commission."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 788

H. 76—Shelton, Merrill, Burgess, Quarles,
Crowe, Morris, Hines, Callahan,
Manley

AN ACT

Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the persons and property exempt from ad valorem taxation as prescribed in Alabama Code of 1940, Title 51, Section 2, as amended and supplemented, the following property shall also be exempt from state, county and municipal ad valorem taxation, and shall be deemed to have acquired no situs in this state for purposes of ad valorem taxation: All personal property which is consigned to or stored in a public or private warehouse or other storage facility for the purpose of shipment to a destination outside this state, whether final destination is specified when transportation begins or afterwards, for a period not exceeding 36 months following such consignment or storage. Such property shall not be deprived of such exemption because while in the warehouse or storage facility, the property is assembled, disassembled, bound, joined, divided, cut, broken in bulk, labeled, relabeled, repackaged, or otherwise processed or fabricated. No exemptions shall be allowed under this section for any such property which was exempt from ad valorem taxation pursuant to this section in any prior exemption period.

Section 2. It is hereby declared to be the policy of this state, through the exemption of the aforementioned property from ad valorem taxation, to encourage the development of the State of Alabama as a distribution center.

Section 3. All property claimed to be exempt under this Act shall be designated "in transit" upon the books and records of the warehouse or storage area wherein the same is located. The records shall include a full, true and correct inventory of all such property together with the date of receipt or completion of process or manufacture, date of withdrawal, point of origin, and, if known, the point of ultimate destination of the property. Such books and records shall at all times be open to inspection of all taxing authorities of this state and any political subdivisions thereof.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective on October 1st after passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:33 P.M.

Act No. 789

H. 603—Lewis, Wyatt, Holmes, Plaster, Harris

AN ACT

To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

SECTION I. The District Attorney for the Fifteenth Judicial Circuit may appoint five (5) full time Deputy District Attorneys to be paid as hereinbelow provided. The District Attorney for the Fifteenth Judicial Circuit may appoint such other and additional Deputy District Attorneys at such salaries herein provided for as the Governor of the State of Alabama and the County Commission of each County in said circuit shall approve.

SECTION II. The District Attorney shall be authorized to designate one full time Deputy District Attorney to serve as Chief Deputy District Attorney, two (2) full time Deputy District Attorneys as Level III Deputy District Attorneys; one (1) full time Deputy District Attorney to serve as Level II Deputy District Attorney; and, one (1) full time Deputy District Attorney to serve as Level I Deputy District Attorney.

SECTION III. The annual compensation to be paid the Chief Deputy District Attorney, each of the Deputy District Attorneys designated as Level III Deputy District Attorneys, each of the Deputy District Attorneys designated as Level II Deputy District Attorneys, each of the Deputy District Attorneys designated as Level I Deputy District Attorneys shall be as provided in the schedule of salaries hereinbelow set out.

The total annual compensation to be received by each Deputy District Attorney shall be computed by the use of Levels and Steps. Levels may refer to the amount of legal experience which such Deputy District Attorney had at the time he was appointed to such office, or has at the time in the future at the time he is appointed to such office. It is intended to permit an attorney with applicable legal experience to commence such office at a higher rate of pay than one who has less applicable legal experience. Steps shall refer to the amount of time that such Deputy District Attorney has served in the office as such Deputy District Attorney, or the length of time that such officer shall continue. It is intended by this provision to allow minimum annual increases in salary as incentive for such officer to continue to serve in such office, provided that in the opinion of the District Attorney such Deputy District Attorney has performed satisfactorily to merit such increase in salary.

The schedule of salaries hereinabove referred to, consisting of Levels and Steps shall be as follows:

SCHEDULE OF SALARIES

Attorneys	Step 1 Beginning Salary	Step 2 1 Yr.	Step 3 2 Yrs.	Step 4 3 Yrs.	Step 5 4 Yrs.	Step 6 5 Yrs.	Step 7 6 Yrs.
Chief	\$20,475	21,502	22,568	23,699	24,882	26,130	27,443
Level III	19,656	20,475	21,502	22,568	23,699	24,882	26,130
Level II	16,523	17,199	18,018	18,837	19,656	20,475	21,502
Level I	13,923	14,534	15,158	15,834	16,523	17,199	18,018

SECTION IV. The District Attorney for the Fifteenth Judicial Circuit may also appoint three (3) part-time Deputy District Attorneys and such other part-time Deputy District Attorneys at such salary levels herein provided for as the Governor of the State of Alabama and the County Commission of each county in the Circuit may approve.

Such part-time Deputy District Attorney shall be paid in the discretion of the District Attorney, a salary of no more than an amount equal to one-half the maximum rate of compensation and/or salary of a Deputy District Attorney III, including all step and/or merit increases.

SECTION V. Fifty (50%) percent of each salary paid to each Deputy District Attorney pursuant to the above provided salary levels shall be paid by the State of Alabama. Fifty (50%) percent of such salaries shall be paid by the County Commission of each County comprising such Judicial Circuit.

SECTION VI. Those professional positions of employment now existing in the Office of the District Attorney and presently occupied by licensed attorneys, shall become Deputy District Attorney positions of employment for purposes of computation under Sections I, III and IV, as of the effective date of this Act; provided however, any such position whose salary is paid by any Law Enforcement Planning Agency grant shall continue to receive such salaries from such source until the termination or expiration thereof when, at such time, the said salaries and benefits shall be paid by the State of Alabama and the County Commission of each County comprising such Circuit; further, provided, however, that the salary increases accruing to such positions under the provision of this Act shall be paid proportionately by the State of Alabama and the County Commission of each County comprising such Circuit according to the respective proportionate share of each under the provisions of Section V.

SECTION VII. All Deputy District Attorneys appointed hereunder shall be entitled to receive from the State of Alabama all retirement and other benefits provided state employees, provided, however, all Deputy District Attorneys shall be appointed by and serve at the pleasure of the District Attorney.

SECTION VIII. The State portion of the salaries of all Deputy District Attorneys appointed hereunder are to be paid as other state officers or employees are paid, and the County portion thereof as other County officers and unclassified employees are paid.

SECTION IX. Part-time Deputy District Attorneys herein provided shall not be subject to the provisions of subsection 12 of Section 229, Title 13, Code of Alabama of 1940.

SECTION X. All Deputy District Attorneys appointed hereunder shall become residents of a County comprising the said Circuit, and perform such duties as may be assigned them by the District Attorney.

SECTION XI. The District Attorney for the Fifteenth Judicial Circuit may also appoint an Administrative Assistant who shall perform such duties as may be assigned by the District Attorney, and may also perform the duties of a Deputy District Attorney, provided, however, the said Administrative Assistant is a duly licensed Attorney by the State of Alabama.

The said Administrative Assistant shall have all of the powers of all Deputy Sheriffs in any County in Alabama, including arrest powers and service of process.

The Administrative Assistant shall serve at the pleasure of the District Attorney and shall be paid a salary commensurate with that provided for full time Deputy District Attorneys and shall receive such other benefits as full time Deputy District Attorneys are entitled to under the provisions of this Act.

Provided, however, that the entire salary and other benefits for such Administrative Assistant shall be paid by the State of Alabama as other state officers and employees are paid, Section V hereof notwithstanding.

SECTION XII. The County Commission of each County comprising such Judicial Circuit shall provide the Office of the District Attorney with clerical and secretarial positions of employment and personnel as the District Attorney and County Commission deem necessary to conduct the affairs of that office. The personnel required to fill such positions of employment shall be appointed by and serve at the discretion of the District Attorney.

SECTION XIII. As of the effective date of this Act, any and all clerical and/or secretarial positions of employment existing in the Office of the District Attorney for the Fifteenth Judicial Circuit shall be made permanent positions of employment at their existing salaries; provided, however, that any such positions of employment which are funded by State or Federal Law Enforcement Planning Agency grant shall continue to receive their salaries and other benefits from such source until the expiration or termination of the particular grant or State or Federal Law Enforcement Planning Agency funding source applicable to such position, when at such time their salaries and other benefits for such positions shall be paid from the General Fund of the County or Counties comprising such Judicial Circuit as other County employees are paid.

SECTION XIV. The District Attorney for such Circuit may appoint such other and additional personnel who shall serve at his pleasure as the County Commission of the County or Counties comprising such Circuit may approve.

SECTION XV. All clerical and secretarial personnel appointed hereunder shall be entitled to receive all retirement and other benefits afforded other County employees, provided that such personnel shall not accrue annual or sick leave nor be entitled to overtime compensation under any City or County Merit System applicable to any County comprising such Circuit. Provided, however, that the District Attorney may, in his discretion, allow employees of that office sick or annual leave as the District Attorney may deem necessary.

SECTION XVI. All clerical and secretarial personnel appointed hereunder shall be paid out of the General Fund of the County or Counties comprising the said Circuit as other County employees are paid.

SECTION XVII. Whenever sufficient funds are not available from the State of Alabama or the District Attorney's fund for such Circuit, the County Commission of each County comprising such Circuit may upon application of the District Attorney purchase from the General Fund of the County necessary equipment, office supplies, and other items necessary to conduct the business and affairs of the Office of the District Attorney.

SECTION XVIII. Whenever sufficient funds are not available from the State of Alabama or the District Attorney's Fund for such Circuit, the County Commission of each County comprising such Circuit may upon application of the District Attorney pay from the General Fund all telephone expenses incurred by the Office of the District Attorney for such Circuit in the discharge of the duties of such office.

SECTION XIX. Nothing contained in this Act shall be construed so as to reduce the number or type of positions of employment in the Office of the District Attorney for such Circuit as of the effective date of this Act, or to reduce the salaries and other benefits for such positions of employment in any amount whatsoever unless recommended by the District Attorney.

SECTION XX. Nothing contained in this Act shall be construed so as to prevent the County Commission of each County comprising such Circuit from increasing the number of positions of employment in such office or the salary and other benefits for any position or employee when recommended by the District Attorney.

SECTION XXI. In all courts within the County or Counties comprising such Circuit, a Solicitor's fee or District Attorney's fee shall be taxed as costs of court against every defendant convicted of any violation of State Law.

The Solicitor's fee or District Attorney's fee shall be taxed in an amount as provided for in Title 11, Section 85, Code of Alabama of 1940, as last amended, or as may be hereafter provided by law.

The Solicitor's fee or District Attorney's fee shall not be used by the District Attorney of the said Judicial Circuit for personal gain, profit or remuneration, but shall be used only for the general operating expense of the Office in compliance with Title 13, Section 125(73), Code of Alabama of 1940, as amended, or as may hereafter be provided by law.

The Solicitor's fee or District Attorney's fee shall be taxed as provided above without regard to the plea of the defendant or the presence of the District Attorney at the time such plea or conviction was entered provided, however, that the District Attorney in his discretion may waive the taxation of such fees as court costs.

SECTION XXII. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION XXIII. All laws or parts of laws which conflict with this Act are repealed.

SECTION XXIV. This Act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 790

H. 713—Barron, Holmes, Wyatt,
Plaster, Harris

AN ACT

To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a board of trustees for Alabama State University, the state educational institution at Montgomery, Alabama. The board of trustees shall consist of one member from each of the congressional districts in the state at the time this act becomes effective and who shall reside in that district, two members from the state-at-large and who shall reside in different districts, and the governor, who shall be ex officio president of the board. Except for a trustee at large, the position of any trustee shall be vacated at such time as he shall cease to reside in the district from which he was appointed. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, in such manner that the membership shall consist of at least three trustees from the prevailing minority population of the state according to the last or any succeeding federal census and shall include at least two graduates of Alabama State University. Except for the first board appointed, trustees shall hold office for a term of six years and until their successors are appointed. All appointments shall be effective until adversely acted upon by the senate. The board shall be divided into three classes so that one-third shall be appointed biennially. Of the first members appointed to the board, one-third shall be designated by the governor to serve until January 31, 1978, one-third until January 31, 1980, and one-third to serve until January 31, 1982. A member may be appointed to serve a second term of six years but no member shall be appointed to serve as trustee more than a total of twelve years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No member of the governing board or employee or student of any public postsecondary education institution; no elected or appointed official having the power of review of the Alabama State University budget, other than the governor; and no employee of the State of Alabama; shall be eligible to serve on the board. No member shall serve past September 30th following his seventieth birthday.

Section 2. The governor, by virtue of his office, and the trustees appointed from the several congressional districts of the state pursuant to Section 1 of this act, and their successors in office, are constituted a body corporate under the name of "Board of Trustees for Alabama State University."

Section 3. Such corporation shall have all the rights, privileges and franchises necessary to a promotion of the ends of its creation, and shall be charged with all corresponding duties, liabilities and responsibilities. Such corporation may hold, and may lease, sell or in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein, remaining of any grant by any governmental unit or by any person, or accruing to the corporation from any source, as it may deem best for the purposes of the university.

Section 4. The boards of trustees shall have the power to organize the university by appointing a president or removing a president for cause whose salary shall be fixed by the board and who shall serve as chief executive officer of the university and upon his recommendation the board shall appoint a corps of instructors, who shall be styled the faculty of the university, and such other officers and professional and operating personnel as the interest of the university may require: and to remove such instructors or other personnel, and to fix their salaries or compensation and increase or reduce the same at their discretion; to regulate, alter or modify the governance of the university as they may deem advisable; to prescribe courses of instruction, rates of tuition, and fees: to confer such academic and honorary degrees as are usually conferred by institutions of similar character; and to do whatever else they may deem best for promoting the interest of the university.

Section 5. Any vacancy in the office of trustee, occurring during the recess of the legislature, shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

Section 6. The first meeting of the board of trustees of Alabama State University after all members have been appointed shall be upon the call of the governor. The board shall hold regular meetings on the first Thursdays in May and November at the university, unless the board shall, in regular session determine to hold its meetings at some other time and

place. The regular May meeting shall be the regular annual meeting. Special meetings of the board may be assembled by either one of the two methods outlined as follows: (a) Special meetings of the board may be called by the governor. In calling such special meetings the governor shall mail a written notice to each trustee, naming the time and place thereof, at least ten days in advance of the date of such meetings. (b) Upon the application in writing of any four members of the board, the governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meetings shall not be held on a date less than ten days subsequent to the notices from the governor.

Section 7. Six members, exclusive of the governor, of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.

Section 8. The certificate of the president of the board, or in his absence, of the president pro tempore, countersigned by the secretary, shall entitle the several trustees to the payment of their actual expenses incurred in the discharge of their duties as trustees in conformity with regulations governing travel expenses of state officials.

Section 9. It is the intention of the legislature by passage of this act that Alabama State University shall enjoy no less and no more autonomy than any other public university in the state and shall offer to all citizens of the state an equal opportunity for quality education. The board of trustees is hereby authorized at such times as they deem necessary and proper to recommend to any state agency charged with responsibility for state-wide planning, coordination, or budgeting for programs of instruction, research, or public service in the public universities of the state any program of instruction or service or any other matter consistent with this intent and any action necessary in order to qualify the university for funds and/or services provided by any federal or private agency consistent with such intent and such state agency shall accept or reject such recommendation and is hereby authorized to grant such recommendation to Alabama State University.

Section 10. The personnel policies and procedures and statement of academic freedom and tenure for the faculty, other officers, and professional and operating staffs of the university; and the statement of rights and responsibilities of students of the university in force at the time of passage of this act, shall be read, construed and have effect as if they were prescribed by the board of trustees herein created; provided, however, that the board shall prescribe such amendments as they deem necessary and proper and that no person shall

be deprived of any right or benefit earned prior to passage of this act.

Section 11. It shall be unlawful for any member of the board to be financially interested in any contract or transaction affecting the interests of the university; to procure, or be a party of in any way to procuring the appointment of any relative to any position of financial trust or profit; or to influence the appointment, non-reappointment, retention, dismissal or compensation of any employee of the university except through the prescribed procedures for such purposes, and the violation of this provision shall subject the member so offending to removal by the governor or the board.

Section 12. No grant or gift, by will or otherwise, shall fail on account of any misnomer or informality, when the intent of the grantor or donor can be arrived at; nor shall any default, malfeasance, or nonuser, on the part of the trustees, or other officers or agents of such corporation, work a forfeiture of any of its rights, privileges, powers, or franchises.

Section 13. It shall be the duty of the board of trustees to make or cause to be made to the legislature, at each session thereof a full report of their transactions, and of the condition of the university, embracing an itemized account of all receipts and disbursements on account of the university by those charged with the administration of its finances.

Section 14. (a) The president of Alabama State University, with the approval of the board of trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the university. Such persons shall be charged with all the duties and vested with all the powers of police officers and may eject trespassers from the university buildings and grounds, and may, without warrant, arrest any person guilty of disorderly conduct or of trespass upon the property of the university, or for any public offense committed in their presence, and carry them before the nearest court or officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant and such officers shall have authority to summon a posse comitatus, and may, with a warrant arrest any person found upon or near the premises of the university charged with any public offense and take them before the proper officer.

(b) The police officers provided for in this section shall cooperate with, and when requested, furnish assistance to the regularly constituted authorities of the City of Montgomery;

and their jurisdiction and authority shall be coextensive with the corporate limits of the municipality.

Section 15. After the effective date of this act, the board of trustees created by this act for Alabama State University shall have exclusive jurisdiction, supervision and control of Alabama State University; and the State Board of Education is thereafter divested of all jurisdiction, power and authority with regard to the supervision, management, and control of such university except as otherwise herein provided. In addition to the powers, duties and authority hereinabove vested in the board of trustees, such board shall have and exercise all power, authority and duties heretofore conferred on, vested in or required of the State Board of Education under any laws of this state with regard to the supervision, management, and control of such university except as otherwise herein provided. Upon the effective date of this act, the State Board of Education shall transfer to the board of trustees of Alabama State University all supplies, funds, books, documents, records, and other property or effects of such university.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the party which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 791

H. 801—Boles, Hall, Biddle, Andrews,
Moore (O), Hilliard, Hopping,
Trammell, Armstrong

AN ACT

To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to

define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the term "Act 929" means Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Section 2. As used in this Section 2, the following words and terms have the meanings hereby accorded them: "Section 1" means Section 1 of ARTICLE II of Act 929; and "definition of Final Average Salary" means the definition of Final Average Salary in said Section 1, which definition appearing on page 2128 of the Acts of the Legislature of Alabama of the Regular Session of 1973 is as follows:

"Final Average Salary. The average of the four (4) consecutive years of highest compensation in the ten (10) years immediately preceeding retirement after the effective date of this plan divided by twelve (12) months."

The definition of Final Average Salary is hereby amended so as to read as follows:

"Final Average Salary. The average of the three and one-half (3½) consecutive years of highest compensation in the

ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months."

Section 3. It is hereby provided that Section 9 of ARTICLE III of Act 929 is amended so as to read as follows:

"Section 9. The Fund and its Investment.

"(a) In each instance in which any provision of this Section 9 requires a determination of the value of a security, or securities, in the fund, the price at which the System purchased the security, or securities, shall be deemed to be the value thereof.

"(b) The fund shall include all assets of the fund in any form, and the city comptroller shall be, ex officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars (\$50,000), payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board shall select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations, or legacies for the fund, and to administer same as may be di-

rected by the donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed *prima facie*, to speak the truth.

“(c) The Board of Managers shall have the sole and absolute discretion, if they deem it advisable to invest, reinvest and have invested and reinvested all funds of the System, real and personal subject to the limitations herein provided. The Board is authorized to borrow money up to the value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock or corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds and stock of corporations last referred to above shall not exceed fifty per cent (50%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed twenty-five per cent (25%) of all the funds available in the system for investment.”

Section 4. It is hereby provided that Section 3 of ARTICLE IV of Act 929 is amended so as to read as follows:

“Section 3. Elected Officials and Employees in the Un-classified Service.

“(a) Elected Officials. As used in this subsection (a), and as hereinafter used in this Act, the following words and terms have the meanings hereby accorded them: ‘office’

means an elective office of the City; 'officer' means a person holding an office as herein defined; 'effective date of (a)' means the effective date of this subsection (a) of this Section 3 of this ARTICLE IV.

"Each officer shall be eligible to become a member of the System by exercising the option hereby given to the manner and within the time provided for in this subsection (a) and not thereafter.

"Any person an officer on the effective date of (a) may exercise such option within ninety (90) days from the effective date of this (a). Any person not an officer on the effective date of (a) who thereafter becomes an officer may exercise such option within ninety (90) days after he becomes an officer. An officer desiring to become a member under this subsection (a) will deliver to the city finance officer, within the time above specified, a statement signed by him reciting that he elects to become a member of the System. The election thus made shall be irrevocable. After thus electing to become a member an officer shall be subject to all burdens and entitled to all rights attached to membership in the System, including the subjection of his salary to salary deductions and entitlement to contributions by the City on his behalf to the fund in accordance with the provisions of this Act, for salary deductions and contributions by the City to the pension fund on behalf of members of the System.

"As herein used, the term 'prior service' means a person's service as an officer prior to his entering the System; the term 'liability for unpaid contributions' means the liability an officer must discharge to convert his prior service to Credited Service, the amount of which liability shall be the sum of these two amounts: (1) the sum of all contributions the officer would have paid the System from his salary during his prior service had his salary been subject to deductions for contributions, at the rate applicable when the officer received his salary; and (2) interest at the rate of four percent on each separate contribution the officer would have made to the System had he been a member during his prior service calculated from the date whereon he would have made such contribution had he been a member of the System to the date he pays such contribution. No officer shall receive credit for pension purposes for prior service unless he converts such prior service to Credited Service as herein provided.

"When an officer becomes a member of the System he may then, but not thereafter, elect to convert prior service to Credited Service. Upon electing to convert his prior service to Credited Service he shall then discharge his liability for unpaid contributions in one of the manners prescribed in the

two sentences next following. He may discharge such liability by then paying to the System the full amount of such liability. Unless he then discharges in full such liability, at the end of each payroll period following his election to convert prior service to Credited Service, the City, in addition to deductions from the officer's salary, otherwise provided for, shall deduct from such salary for each payroll period an amount equal to five percent of such liability for unpaid contributions, together with interest thereon at the rate of six percent from the date whereon the officer enters the System until such liability (including interest) is fully discharged.

"Contemporaneously with the officer's discharging his liability for unpaid contributions for all or any part of his prior service converted to Credited Service, or with the City's making any payment to the General Employees' System through salary deductions to discharge such liability, the City will pay to the fund of the General Employees' System from the general funds of the City an amount equal to the sum of these two amounts: (1) the sum of all payments the City would have made from the general funds of the City to the fund of General Employees' Pension System if the officer had been a member of the System during all of that period of his prior service which he converts to Credited Service; and (2) interest at the rate of four percent per annum on each separate payment the City would have made to the said fund from the general funds of the City from the dates on which the City would have made the respective payments had the officer been a member of the System to the date on which the City makes such payments.

"(b) Unclassified Service. Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a qualified Employee in the unclassified service."

Section 5. It is hereby provided that Section 1 of ARTICLE V of Act 929 is amended so as to read as follows:

"Section 1. Participants' Contributions.

"(a) Until subsection (b), below, becomes effective, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

"(b) Commencing with the first payroll period which begins after the effective date of this subsection (b), and continuing thereafter, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to six percent (6%) of his actual monthly salary

and said deductions by the City shall immediately be paid into the Fund.

“(c) Should the City through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any payroll period, the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.”

Section 5A. It is hereby provided that Section 2 of Article V of Act 929 is amended to read as follows:

Section 2. City's Contributions.

(1). At the same time the deductions attributable to Participants' contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Service Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of the City as follows:

a. The actuaries shall determine the Normal Cost of the benefits provided by the System;

b. From the Normal Cost shall be subtracted the value of the Participants' contributions in the previous fiscal year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the fiscal year, the resultant percentage shall be called the “Current Service Percentage” and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's “Current Service Cost” for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the “Past Service Percentage” and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's “Past Service Cost” for the Payroll Period.

f. During any fiscal year ending prior to October 1, 1981, at the option of the City as exercised by resolution adopted by the governing body thereof, the “Past Service Cost” as computed under paragraph a. above may be reduced to an amount not less than the actuarially assumed interest on Liability as

determined under paragraph d. above: provided, however, that the amount by which such Past Service Cost is reduced hereunder in any fiscal year of the City must be paid by such City into the Fund within the next two succeeding fiscal years of said City as an addition to "Past Service Cost" as computed for the fiscal year in which such additional payment is made, except to the extent which the City has applicable credits under paragraph (2) hereof. In no event, shall the total contribution of the City be less than twelve (12) percent of total covered payroll.

Section 6. (a) It is hereby provided that Sections 1 and 2 of ARTICLE VI of Act 929 are amended so as to read as follows:

"Section 1. Normal Retirement Benefit.

"A Participant having attained age sixty (60) or older and having completed fifteen (15) or more years of Credited Service, or having completed thirty (30) or more years of Credited Service without regard to age, shall be entitled upon his voluntary retirement to a monthly retirement benefit equal to one of the following:

"a. Participants On or Before the first day of July Nine Years After Date of Establishment.

"With respect to a Retiree who first became a Participant on or before the first day of July after nine years after date of establishment forty per cent (40%) of his Final Average Salary, plus one and three thousand Three hundred thirty four thousands percent (1.3334%) of his Final Average Salary multiplied by his years of Credited Service in excess of fifteen (15) years.

"b. Participants after the first day of July Nine Years after Date of Establishment.

"With respect to a Retiree who first becomes a Participant subsequent to the first day of July after nine years after date of establishment, two percent (2%) of his Final Average Salary multiplied by his years of Credited Service.

"Subject to the provisions of Section 19 of this ARTICLE VI, the amount of any retirement benefit provided under the provisions of this section which may have commenced to accrue in accordance with the provisions of the System shall continue to accrue throughout the life of the Retiree.

"When any elected officer who has the Credited Service, or the combination of age and Credited Service entitling him to the Normal Retirement Benefit retires, then upon his re-

tirement, payment of the Normal Retirement Benefit to him shall commence.

"As hereinafter used, the term 'deferred retirement benefit' means the retirement benefit which vests under the sentence next following. If the officer upon leaving the service does not have the Credited Service or the combination of age and Credited Service, entitling him to the Normal Retirement Benefit, but has as much as twelve (12) years Credited Service, there shall become vested in his favor a monthly retirement benefit, in the amount below prescribed the payment of which shall begin on the date below prescribed; provided, however, that no officer who withdraws from the fund of the System the contributions he has made thereto shall receive any deferred retirement benefit.

"The deferred retirement benefit shall be in an amount equal to the product of two percent (2%) of the officer's final average salary multiplied by the number of years of his Credited Service. Payment of the deferred retirement benefit shall commence on that date whereon the officer becomes sixty years of age.

"The officer's survivors shall be entitled to all benefits Act 929 provides for the survivors of members of the System, on the same basis as the survivors' benefits are provided for the survivors of members of the System other than officers; provided, however, that if an officer in whose favor a deferred retirement benefit has become vested dies before payment of such benefit commences, then the payment of his survivor's benefit shall not commence until such deceased officer would have become sixty years of age had he lived.

"Section 2. Maximum Retirement Benefit.

"The maximum Retirement Benefit payable under this Act shall be seventy percent (70%) of the Retiree's Final Average Salary."

(b) Section 4 of ARTICLE VI of Act 929 is hereby repealed.

Section 7. It is hereby provided that Section 5 of ARTICLE VI of Act 929 is amended so as to read as follows:

"Section 5. Participants Retiring under the Firemen's and Policemen's Supplemental Pension System.

"With respect to Participants who shall belong to and retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty (20) or more years of Credited Service thereunder but prior to his having accumulated thirty (30) years

of Credited Service hereunder, benefits payable hereunder shall commence on the date on which he would have accumulated thirty (30) years of Credited Service hereunder had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman. The annual benefit thereupon payable herefrom shall be an amount equal to that which would have been payable under Section 1 of this Article VI had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman; provided, however, that for the purpose of computing said benefits, in the determination of the said fireman's or policeman's Final Average Salary the fireman or policeman shall be deemed to have received as compensation the salary which was the basis of payments the Supplemental Pension System made to the System established by this act from the date whereon the fireman or policeman retired under the Supplemental Pension System to the date whereon he begins to receive the pension payable to him under this Section 5."

Section 8. It is hereby provided that Section 9 of ARTICLE VI of Act 929 is amended so as to read as follows:

"Section 9. Determination of Disability.

"In order for disability allowances to be awarded under Section 7 of Section 8 of the ARTICLE VI, the Board must first have satisfactory proof thereof by certification of such disability of the Participant applying for disability allowance, said certification being made by a licensed and practicing physician or surgeon. Additionally, the Board shall have the power to require further certifications of such disability by other practicing physicians and surgeons and shall have the power to require such additional proof of total disability as in its judgment it may deem necessary.

"During the continuation of disability, the Board may from time to time require further certification of disability by one or more licensed and practicing physician or surgeon selected by the Board and may require such additional proof of the continuation of said disability as it deems appropriate.

"Should a former Participant who has been awarded a Disability Allowance under Section 7 or Section 8 of this ARTICLE VI resume his active duty as an employee of the City, it shall be conclusive evidence of the termination of such total disability for the purpose of the System, and any subsequent cessation of his active duty on account of disability, whether by reason of the same or a different cause, shall be treated as a new disability. However, should a Participant who shall have been awarded an extraordinary disability allowance under Section 8 hereof or is a claimant or prospective

claimant therefor resume his active duty as an employee for a period not exceeding a total of one hundred eighty (180) days last ending no later than twelve (12) months following the date of the accident which gave rise to the disability for which he was awarded an extraordinary disability allowance, such resumption of active duty as an employee of the City shall not be deemed to be conclusive evidence of termination of such disability; provided, however, any provisions hereof to the contrary notwithstanding, no extraordinary disability allowance shall be allowed unless granted within twelve months after the accident resulting in such disability.

"In no event shall disability allowances as provided under Section 7 or Section 8 of this ARTICLE VI be payable with respect to any period of time during which the recipient of such allowances shall be actively employed by the City, shall be due or shall have been paid any salary from or by the City."

Section 9. It is hereby provided that Section 11 of ARTICLE VI of Act 929 is amended so as to read as follows:

"Section 11. Eligibility for Survivor's Benefit.

"The surviving spouse of the deceased Retiree or Participant described in Section 10 of this ARTICLE VI shall be eligible to receive a survivor's benefit. The next foregoing sentence shall apply to a spouse married to the Retiree or Participant at the time of such Retiree's or Participant's death, regardless of whether the marriage occurred before or after the Retiree's or Participant's departure from the service. Said surviving spouse shall continue to be eligible to receive said monthly survivor's benefit until he or she shall die or remarry, whichever shall first occur. If a survivor's benefit ceases because the survivor remarries, in the event the remarriage is terminated by annulment, divorce or death of the survivor's spouse, then on such termination the survivor shall be eligible to receive the survivor's benefit.

"In the event said deceased Retiree or Participant should not be survived by his spouse or in the event the spouse should fail to qualify hereunder, a survivor's benefit shall be payable to the child or children of said deceased Retiree or Participant, provided, however, that no survivor's benefit shall be payable to such child if married or if over age eighteen (18), provided, further, that the exclusion of a child over age eighteen (18) from the benefit shall not apply to a child who is a disabled child within the definition of disabled child contained in the sentence next following. As herein used the term 'disabled child' means a son or daughter regardless of age who becomes disabled prior to attaining age eighteen (18) and afflicted with a medically determinable physical or mental impairment or

impairments, by reason of which impairment or impairments the said son or daughter has been unable, and continues to be unable, to engage in any substantial gainful activity.

Section 10. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 792

H. 810—Owens

AN ACT

Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized and directed to enter into an agreement with the State Personnel Department for the establishment of a county-wide personnel and merit system. Such personnel and merit system shall be established based upon recommendations of the State Personnel Department and any cost thereof shall be paid from any funds available in the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 793

H. 837—McCluskey

AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for

the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney and each circuit judge of the judicial circuit in all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, is hereby authorized and empowered to appoint and prescribe the duties of an additional secretarial assistant, who shall serve at the pleasure of said district attorney or circuit judge.

Section 2. The compensation of such secretarial assistant for the office of the district attorney shall be set by the district attorney at a sum not exceeding \$500.00 per month. The compensation of such secretarial assistant for the circuit judge shall be set by the circuit judge at a sum not exceeding \$525.00 per month.

Section 3. Should federal funding be available upon enactment of this act, or become available, such federal funding shall be used to pay the compensation of the additional secretarial assistant. In the event that federal funding is not available upon enactment of this act or if such federal funding is used and is thereafter exhausted or otherwise unavailable, then the governing body of such county shall provide the funding for the compensation of such secretarial assistant.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 794

H. 902—Campbell, Manley, McCorquodale

AN ACT

To name the new student union building at Livingston University "The George C. Wallace Union Building."

WHEREAS, the Honorable George C. Wallace, as a mem-

ber of this Legislature and as Governor of Alabama, has consistently and strongly supported efforts to strengthen and improve educational opportunities for young Alabamians at all levels; and

WHEREAS, the Student Government Association of Livingston University desires to recognize the Honorable George C. Wallace for his many contributions to education and especially for the support and encouragement he has given to Livingston University; and

WHEREAS, the Student Government Association of Livingston University, acting on behalf of all the students of said University, wishes this legislature to name the new student union building "The George C. Wallace Union Building" as an expression of their appreciation to him and their regard for him; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The new student union building at Livingston University is hereby designated as "The George C. Wallace Union Building." The authorities at Livingston University shall cause said building to be so designated by appropriate signs or markings.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 795

H. 915—Lee, Owens

AN ACT

To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a fund to be designated

the "Solicitor's Fund" of the Sixth Judicial Circuit, which fund shall be at the disposal of the District Attorney of the Sixth Judicial Circuit of Alabama, and shall be drawn upon by him for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office, as he sees fit.

Section 2. Said fund shall be deposited in any bank in the Sixth Judicial Circuit of Alabama, which shall be an approved depository for the public funds of said Circuit, as provided hereinafter, and shall be payable upon the order of the District Attorney of the Sixth Judicial Circuit of Alabama by check signed by him as such officer.

Section 3. All solicitor's fees taxed and collected in every criminal case in the courts of the Sixth Judicial Circuit of Alabama shall be periodically deposited by the Judge, Clerk, or other proper custodian of funds so taxed in such courts to the credit of the Solicitor's Fund hereinbefore provided in such depository as shall be designated by the District Attorney, as hereinbefore provided.

Section 4. The county governing body of any county located in the Sixth Judicial Circuit of Alabama is hereby granted the authority to appropriate and to transfer from the general fund of the said county into the Solicitor's Fund, to be used as other funds of the said Solicitor's Fund as hereinabove set out, any amount of money which said county governing body shall deem to be necessary in carrying out the purpose of the Solicitor's Fund.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 796

H. 1125—Campbell, Manley

AN ACT

Relating to public health; further amending Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3)) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the

law providing for State Board of Health Hospitals and the State master plan of hospitals.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p. 330), as amended, is hereby amended to read as follows:

"Section 1. The following terms used in this act shall have the meanings as defined herein unless a different meaning clearly appears from the context. State board of health shall mean the statutory agency of the state of Alabama operative in the field of general health matters and performing the duties and exercising the powers as set forth in the statutory provisions relating thereto. Master hospital plan shall refer to a plan, determined upon by the state board of health with the advice and consultation with an advisory council, which shall subdivide the state into regions, districts; and zones and any further divisions which may be necessary for the purpose of establishing an integrated and interrelated system of hospitals and related facilities which will insure the provision of readily accessible hospital care in all parts of the state. The term hospital includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, nursing homes, extended care facilities and related facilities, such as laboratories, out-patient departments, nurses' homes and training facilities, and central service facilities operated in connection with hospitals."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 797

H. 1230—Sasser, Folmar

AN ACT

To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

WHEREAS Samuel Kirke Adams was elected Probate Judge of Dale County in 1958 and has been elected for three successive terms; and

WHEREAS Dale County owed \$750,000.00 when Judge Adams took office, and now this debt is paid in full and during

this time the County based, paved and resealed 267.9 miles of road; and

WHEREAS Kirke Adams is a past-president of the Association of County Commissioners; and

WHEREAS Judge Adams' greatest satisfaction is establishing the Vivian B. Adams School for Retarded Children; and

WHEREAS during Judge Adams' term of office the contract was let to build a new Courthouse in Dale County; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The bridge across the Pea River on County Road 77 between Pike and Barbour Counties is hereby designated the Samuel Kirke Adams Bridge.

Section 2. The State Highway Department is hereby authorized and directed to erect appropriate markers displaying the name hereby designated.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 798

H. 1261—Coburn, Goodwin

AN ACT

Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the definitions of "Hospital" as set out in Section 204, (19)(c), Code of Alabama, (1940) as amended and recompiled, the definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be op-

erated by any Corporation already incorporated or which may be incorporated in Colbert County, under the provisions of Article 5, Title 22, Code of Alabama, as amended and recompiled shall include or mean one or more buildings designated for use and occupancy as a public hospital, public clinic, or public health center and related public health facilities operated in connection therewith, and any equipment and lands necessary therefor, and any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence of sick, injured, mentally ill, or disturbed persons or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel, and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities.

Section 2. Any corporation already incorporated or which may hereafter be incorporated in Colbert County, under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled, shall have, in addition to those powers heretofore provided by law, the further and additional power to lease to others, one or more hospitals or parts thereof and any hospital facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to grant options to renew or extend any such lease upon such terms and conditions as the board of directors may determine; provided that no lease shall extend beyond the last maturity of any bonds issued by the corporation or 60 years from the date of the lease, whichever is the longer; and no option to renew shall permit the extension of any lease beyond such period; to contract with any institution for the instruction of medicine to provide training for nurses, technicians and other technical, professional and paramedical personnel upon such terms, conditions and number of years as they may determine; to conduct training schools; to provide scholarships for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; to select and appoint the medical staff and dental staff members and others licensed or practice the healing arts and to delineate and de-

fine the privileges granted each individual; to affiliate and contract to provide training and clinical experience for students of other institutions upon such terms, conditions as it may determine; to rent, lease or contract for the operation of any department, section, equipment or holdings of the corporation upon such terms and conditions as it may determine; to borrow money for any corporate purpose and to issue interest bearing securities in evidence of the borrowing.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 799 H. 1289—Teague, McCluskey, Dial, Moore (O)
AN ACT

To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, p. 339), is amended to read as follows:

“An Act Relating to counties having a population of not less than 65,000 nor more than 68,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming land sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; and repealing conflicting Acts.”

Section 2. Section 1 of said Act No. 235, H. 904, is amended to read as follows:

“Section 1. In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, the procedure for redeeming lands sold for taxes in such counties shall be the same as provided in Article 5, Chapter 14, Title 51, Code of Alabama 1940, as amended, except that all such duties as are required of and performed by the probate judge shall be transferred to and be

performed by the tax collector, and the probate judge shall be relieved of all such duties.”

Section 3. This Act shall become effective October 1, 1975.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 800

H. 1348—Greer, Coburn

AN ACT

To provide for supplementing the salaries or compensation paid to semi-retired or retired circuit judges in the 11th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any semi-retired or retired circuit judge in the 11th Judicial Circuit shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 1½% of the compensation paid said judge by the state of Alabama for each year served as circuit judge up to a maximum of 25%. The salaries or compensation provided for herein is supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 801

H. 1568—Crowe, Biddle, Robertson, Malone, Owens, Waggoner, Cooper, Rich, McNees, Glass, Martin, McCluskey, Sandusky, Smith (M), Teague, Hall, Kelley, Cross, Roberts, Wyatt, Shelton, McCulley, Warren, Manley, Crawford, Naramore, Boles, Hopping, Callahan, Jackson (R), Taylor, Tucker

AN ACT

To amend Subsections D and K of Section 186, Section 191, Section

194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection D of Section 186, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby deleted.

Section 2. Subsection K of Section 186, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to add paragraph (21) as follows:

“§ 186 K (21) Services performed for any institution or organization described in subsection B and C of this section:

“(a) In the employ of (1) a church or convention or association of churches, or (2) an organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

“(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

“(c) Except as provided in Subsection 185 F of this chapter, in the employ of a school which is not an institution of higher education; or

“(d) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

“(e) As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

“(f) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.”

Section 3. Section 191, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 191. Wages. — Prior to January 1, 1976, “wages” as used in this chapter, shall mean such remuneration as is defined in this section as amended July 27, 1971.

“On and after January 1, 1976, “wages” as used in this title shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any medium other than cash shall be determined in accordance with rules prescribed by the director; provided, however, the term “wages” shall not include —

“A. That part of remuneration, which after remuneration equal to four thousand eight hundred (\$4,800) dollars (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund) has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to sections 204 B (1), (2), and (4), 204 C, 206, 207, 208, and 209, of this title. For the purpose of this subsection, the term employment shall include service constituting employment under any unemployment compensation law of another state or of this state.

“B. The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (1) retirement, or (2) sickness or accident disability, or (3) medical or hospitalization expenses in connection with sickness or accident disability, or (4) death.

“C. Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

“D. Any payment made to, or on behalf of any employee or his beneficiary (1) from or to a trust which meets the requirements of Section 401 of the Federal Internal Revenue Code and which is exempt from tax under Section 501 (a) of the Federal Revenue Code at the time of such payment unless

such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401 (a) (3), (4), (5) and (6) of the Federal Internal Revenue Code.

"E. The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Article 3 of this title, or of the tax imposed upon an employee by Section 3101 of the Federal Internal Revenue Code, as amended.

"F. Remuneration paid in any medium other than cash to an employee for services not in the course of the employer's trade or business.

"G. Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which such payment is made.

"H. Dismissal payments which the employer is not legally required to make.

"I. Payments made into a fund by an employer to provide for supplemental unemployment benefits under a plan established to provide such benefits to employees in general, or a group or class of employees, of such employer."

Section 4. Section 194, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 194. Benefit Year. — "Benefit Year" as used in this Chapter with respect to any individual, means the one-year period beginning with the first day of the first week with respect to which an individual who is unemployed first files a valid claim for benefits or a claim is filed by an employer on behalf of an employee working less than full time, and thereafter the one-year period beginning with the first day of the first week with respect to which such individual next files a valid claim for benefits or such claim is filed by an employer on behalf of an employee working less than full time, after the termination of his last preceding benefit year. A claim by any such unemployed individual, or a claim filed by an employer on behalf of an employee working less than full time, made in accordance with section 215 of this title shall be deemed to be a "valid claim" for the purposes of this section if the individual or such employee working less than full time for whom a claim is filed by an employer, has earned the wages for insured work required under section 213-E of this title. Notwithstanding the provisions of this section, if, by reason of

a disqualification imposed under section 214 C (1) of this title the individual is not entitled to benefits on account of the wages paid to him in what normally would be his base period, no benefit year shall be established. No other disqualification under section 214 of this title and no holding of ineligibility under subsection 213 C of this title shall make a claim invalid or prevent the establishment of a benefit year."

Section 5. Subsections A, B and C of Section 201, Title 26, Chapter 4, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ 201. A. With respect to employment during calendar years prior to January 1, 1972, and calendar years after December 31, 1975 the rate shall be 2.70 percent of such wages payable.

"B. With respect to employment after December 31, 1971, and prior to January 1, 1976, except as hereinafter provided, every employer who has not been liable to the provisions of this chapter for a sufficient length of time to have his rate determined under the experience rating provisions of section 204 of this chapter shall pay contributions at the rate of 1.50 percent of such wages paid by him with respect to such employment.

"C. With respect to employment after December 31, 1971, any non-profit organization which, pursuant to the provisions of subsection H of section 185 of this chapter, is or becomes subject to this chapter after December 31, 1971, shall pay contributions under the provisions of subsection B of this section and section 204 of this chapter, unless it elects in accordance with paragraph (1) of this subsection to pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin during the effective period of such election.

"(1) Any non-profit organization which becomes subject to this chapter on January 1, 1972, by virtue of its employment during calendar year 1971 may elect to become liable for payments in lieu of contributions for a period of not less than nine consecutive calendar quarters beginning with January 1, 1972, provided it files with the director a written notice of its election within the 30-day period immediately following such date. Any non-profit organization which becomes subject to this chapter by virtue of its employment subsequent to calendar year 1971 may elect to become liable for payments in lieu of contributions for a period of not less than six consecutive calendar quarters by filing a written notice of its elec-

tion with the director not later than 30 days immediately following the date on which the conditions rendering such organization subject were fulfilled.

“(2) Any non-profit organization which makes an election in accordance with paragraph (1) of this subsection will continue to be liable for payments in lieu of contributions until it files with the director a written notice terminating its election. Any such termination shall be effective at the end of a calendar year. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

“(3) Any non-profit organization which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than the first day of December preceding the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that and the next calendar year and may be terminated only at the end of a calendar year.

“(4) The director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

“(5) The director shall notify each non-profit organization of any determination which he makes of its status as an employer and of the effective date of any election which it makes and of any termination of such election and of benefits paid in accordance with such regulations as he may prescribe. Such notice and determination shall be subject to the provisions for review and finality as set out in Section 204 C (4) of this chapter.

“(6) Any non-profit organization which elects to make payments in lieu of contributions shall pay to the director for the fund such amounts and in such manner and at such time as is set out in subsection F of this section.

“(7) When two or more non-profit organizations as defined in subsection 186 C of this chapter merge or one non-profit organization is acquired by another such organization, the method of payment for the surviving entity, shall be that method elected by such surviving entity under the provisions of this section and in effect at the time of the merger or acquisition. Such method shall remain in effect until such time as it is changed as provided in paragraphs (2) and (3) of this

subsection."

Section 6. Section 204, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 204. Experience Rating, rates and contributions.

"A. (1) For the twelve-month period beginning on the first day of January of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the fiscal year (for the purposes of this chapter, fiscal year means the twelve consecutive month period beginning the first day of October of each calendar year) immediately preceding such first day of January shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the State experience as of the most recent December 31 as to average duration of benefit payments as provided herein. The employment record of a non-profit organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection D of this section.

"(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's experience rating account shall not be terminated; and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit wage percentage of any such employer for the fiscal year in which he resumes business and the three fiscal years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces based upon wages paid by him prior to his entrance into such forces) for the three most recent fiscal years divided by that part of his total payroll, with respect to which contributions have been paid for the three most recent fiscal years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates.

"B. The employee's benefit wages shall be determined as follows:

"(1) When, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages;

"(2) Except that wages paid to an employee during his base period for part-time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period, shall not be determined to be employee's benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require within four days, excluding Saturdays, Sundays and holidays, after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

"(3) As to any employee who is a "maritime worker" benefit wages of such employee during a base period as determined under Subsection B (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in Section 191 A of this title paid to such employee during such base period by any one employer, shall be multiplied by a fraction the numerator of which is his average quarterly earnings (as defined in Section 211 C of this chapter as last amended) in his base period and the denominator of which is his highest earnings of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker".

"(4) When, in the determination of an employee's benefit wages, wages that have been included once in any employee's benefit wages, for one benefit year or in an employee's wages for one base period such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

"In computing an employee's benefit wages, no wages in excess of the amount defined as "wages" in Section 191 of this title paid to him in his base period by any one employer shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in Section 191 of this title because of the receipt of benefits in a benefit year by one of his workers or former workers.

"C. (1) An employer's benefit wages for each and every fiscal year shall be the total of the benefit wages received from him by all of his employees or former employees which became employee's benefit wages in such fiscal year.

"(2) The director shall analyze the benefit payments in and the employee and employer benefit wages for each fiscal

year and determine each employer's benefit wages for each fiscal year.

"(3) Notwithstanding any inconsistent provisions of this chapter, if after the last day of any claimant's benefit year but within the forty-five (45) days next following thereafter or within forty-five (45) days next following notice to the employer of benefit wage charges made as a consequence of such claimant's receipt of benefits, whichever is the latter, an employer for whom benefit wage charges were made as a consequence of such claimant's receipt of benefits files a written notice in such manner as the director shall prescribe stating that he had reemployed such claimant within the claimant's benefit year, and the director finds that such employee received in benefits a total amount aggregating not more than twenty-five (25) percent of the maximum benefit payments to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with seventy-five (75) percent of the benefit wages previously charged against him relating to such claimant's previous employment; or if the director finds that such employee received in benefits an amount aggregating more than twenty-five (25) percent but not more than fifty (50) percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with fifty (50) percent of the benefit wages previously charged against him relating to such claimant's previous employment; or if the director finds that such employee received in benefits a total amount aggregating more than fifty (50) percent but not more than seventy-five (75) percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with twenty-five (25) percent of the benefit wages previously charged against him relating to such claimant's previous employment. Provided, however, that such credits shall be made for the fiscal year and the calendar quarter in which the finding is made by the director and no attempt shall be made to relate such credits to the period in which the rehire occurred; "reemployment" meaning performing services for remuneration.

"(4) The director shall after the close of each calendar quarter furnish each employer with a statement of the wages of his workers, or former workers, which became his benefit wages in that calendar quarter, together with the names of such workers, or former workers, and such statement, in the absence of an application for a revision thereof within ninety days of the mailing of such statement to the employer's last known address, shall be conclusive and final upon the employer for all purposes and in all proceedings whatsoever. Such ap-

plication for revision shall be in the form and manner prescribed by regulation of the director. Upon receipt of, within the time allowed, an application for revision of such statement, the director shall allow such application in whole or in part, or shall deny such application and shall serve notice upon the employer of such decision. Such decision of the director shall be final and conclusive on the employer at the expiration of thirty days from the date of service of such notice unless the employer shall within the said thirty-day period file with the director a written protest and a petition for hearing, specifying his objections thereto. Upon receipt of such petition the director shall fix a time and place for a hearing and shall notify the employer thereof. At any hearing held as herein provided, the decision of the director shall be *prima facie* correct, and the burden shall be upon the protesting employer to prove it is incorrect. No employer shall have the right to object to the benefit wages with respect to any worker as shown on such statement unless he shall first show that such benefit wages arose as a result of benefits paid to such worker in accordance with a determination, or a redetermination, to which such employer was a party entitled to notice thereof, as provided by Article 5 of this title, and shall further show that he was not notified of such determination or redetermination in accordance with the requirements of said Article 5 of this title. Nothing herein contained shall affect the right of any employer at such hearing to object to such statement of benefit wages on the ground that it is incorrect by reason of a clerical error made by the director or any of his employees. The employer shall be promptly notified by mail of the director's decision. Such decision shall be final and conclusive unless an appeal is taken therefrom in the manner and within the time prescribed in subsection H of this section.

"Nothing herein contained shall be construed as limiting or affecting in any manner the right and authority of the director to remove benefit wage charges from any employer's account upon discovering or being aware of any such employer's workers or former workers having drawn benefits by reason of false representations of their earnings while filing claims for benefits.

"D. The benefit wage percentage of each employer who qualifies for a rate determination under subsection A(1) of this section and has been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for such period by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period, and the benefit wage percentage of each employer who qualifies for a rate

determination under subsection A(1) of this section but who has not been subject to this chapter for a period of time sufficient to have been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for the period throughout which he has been chargeable, such period to be not less than the most recent preceding fiscal year, by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period. The percentage thus derived shall be used in determining each employer's contribution rate as prescribed in this section for the next calendar year.

"E. From the total amount of benefits paid from the unemployment compensation trust fund during each fiscal year there shall be subtracted all amounts credited to the fund during each such fiscal year other than employer's and employee's contributions and money credited to this state's account in the unemployment compensation trust fund pursuant to section 903 of the Social Security Act, as amended, and the remainder shall be termed the "amount required for the fund" for each such fiscal year. The "state experience factors" for each calendar year shall be a percentage determined by adding to the percentage derived by dividing the total of the amounts required for the fund for the three most recent fiscal years by the statewide total of benefit wages of all employers for the three most recent fiscal years a factor of an additional five (5.0) percentage points and by adjusting the result to the next highest multiple of one per cent (1.0%). The state experience factor shall be determined annually prior to the 15th day of December preceding the calendar year for which the determination is made.

"F. The contribution rates for each employer as provided in subsection A of this section shall be determined by the director and the director shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within thirty days after the effective date of such rate. Except as provided hereinafter and in paragraph 4 of subsection G of this section such employer contribution rate shall be determined from the first thirteen columns of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed "State Experience Factor" the state experience factor for the then calendar year a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year. The maximum employer's contribution rate under this subsection shall be three and six tenths (3.6%)."

State Experience Factor	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	Col. 14
Employer's Benefit Wage Percentage														
1%	50.00%	75.00%	100.00%	125.00%	150.00%	175.00%	200.00%	225.00%	250.00%	270.00%	300.00%	330.00%	360.00%	
2	25.00	37.50	50.00	62.50	75.00	87.50	100.00	112.50	125.00	135.00	150.00	165.00	180.00	
3	16.75	25.00	33.25	41.50	50.00	58.25	66.75	75.00	83.25	90.00	100.00	110.00	120.00	
4	12.50	18.75	25.00	31.25	37.50	43.75	50.00	56.25	62.50	69.50	75.00	82.50	90.00	
5	10.00	15.00	20.00	25.00	30.00	35.00	40.00	45.00	50.00	54.00	60.00	66.00	72.00	
6	8.25	12.50	16.75	20.75	25.00	29.25	33.25	37.50	41.75	45.00	50.00	55.00	60.00	
7	7.25	10.75	14.25	17.75	21.50	25.00	28.50	32.00	35.75	38.50	42.75	47.00	51.50	
8	6.25	9.50	12.50	15.75	18.75	22.00	25.00	28.00	31.25	33.75	37.50	41.25	45.00	
9	5.50	8.25	11.00	14.00	16.75	19.50	22.25	25.00	27.75	30.00	33.25	36.75	40.00	
10	5.00	7.50	10.00	12.50	15.00	17.50	20.00	22.50	25.00	27.00	30.00	33.00	36.00	
11	4.50	6.75	9.00	11.25	13.75	16.00	18.25	20.50	22.75	24.50	27.25	30.00	32.75	
12	4.25	6.25	8.25	10.50	12.50	14.50	16.75	18.75	20.75	22.50	25.00	27.50	30.00	
13	3.75	5.75	7.75	9.50	11.50	13.50	15.50	17.25	19.25	20.75	23.00	25.50	27.75	
14	3.50	5.25	7.00	9.00	10.75	12.50	14.25	16.00	17.75	19.25	21.50	23.50	25.75	
15	3.25	5.00	6.75	8.25	10.00	11.75	13.25	15.00	16.75	18.00	20.00	22.00	24.00	
16	3.25	4.75	6.25	7.75	9.25	11.00	12.50	14.00	15.75	16.75	18.75	20.50	22.50	
17	3.00	4.50	6.00	7.25	8.75	10.25	11.75	13.25	14.75	16.00	17.75	19.50	21.25	
18	2.75	4.25	5.50	7.00	8.25	9.75	11.00	12.50	14.00	15.00	16.75	18.25	20.00	
19	2.75	4.00	5.25	6.50	8.00	9.25	10.50	11.75	13.00	14.25	15.75	17.25	19.00	
20	2.50	3.75	5.00	6.25	7.50	8.75	10.00	11.25	12.50	13.50	15.00	16.50	18.00	
21	2.50	3.50	4.75	6.00	7.00	8.25	9.50	10.75	12.00	12.75	14.25	15.75	17.25	
22	2.25	3.50	4.50	5.75	6.75	8.00	9.00	10.25	11.25	12.25	13.75	15.00	16.25	
23	2.25	3.25	4.25	5.50	6.50	7.50	8.75	9.75	10.75	11.75	13.00	14.25	15.75	
24	2.00	3.25	4.25	5.25	6.25	7.25	8.25	9.50	10.50	11.25	12.50	13.75	15.00	
25	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	10.75	12.00	13.25	14.50	
26	2.00	3.00	3.75	4.75	5.75	6.75	7.75	8.75	9.50	10.50	11.50	12.75	13.75	
27	1.75	2.75	3.75	4.75	5.50	6.50	7.50	8.25	9.25	10.00	11.00	12.25	13.25	
28	1.75	2.75	3.50	4.50	5.25	6.25	7.00	8.00	9.00	9.75	10.75	11.75	12.75	
29	1.75	2.50	3.50	4.25	5.25	6.00	7.00	7.75	8.50	9.25	10.25	11.25	12.50	
30	1.75	2.50	3.25	4.25	5.00	5.75	6.75	7.50	8.25	9.00	10.00	11.00	12.00	
31	1.50	2.50	3.25	4.00	4.75	5.75	6.50	7.25	8.00	8.75	9.75	10.75	11.50	
32	1.50	2.25	3.00	4.00	4.75	5.50	6.25	7.00	7.75	8.50	9.50	10.25	11.25	
33	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.75	7.50	8.25	9.00	10.00	11.00	
34	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.50	7.25	8.00	8.75	9.75	10.50	
35 or More	1.50	2.25	3.00	3.50	4.25	5.00	5.75	6.50	7.25	7.75	8.50	9.50	10.25	
Employer's Contribution Rate	.5	.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.70	3.00	3.30	3.60	4.00

Benefit Wage Percentage in Excess of Column 13 of This Table

"G. Contribution rates for each employer, and his employees when required by the provision of section 202 of this title and paragraph (4) of this subsection, determined pursuant to subsection F of this section shall nevertheless be subject to increase as hereinafter provided.

"(1) The "benefits payroll ratio" of the state for each fiscal year shall be determined by dividing the total of benefits paid, including the State's portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the statewide total of taxable payrolls of all employers, upon which contributions have been paid, during the same fiscal year and by adjusting the quotient to the nearest multiple of one thousandth.

"(2) The "minimum normal amount" of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the ten most recent preceding fiscal years.

"(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before the first day of December next following so declare, and, effective for the twelve-month period beginning with the first day of January of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection F of this section on the basis of each employer's benefit wage percentage computed for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection E of this section.

"(4) If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the first day of December next following so declare. To be effective for the twelve-month period beginning with the first day of January of the immediately succeeding calendar year the contribution rates for each employer shall be determined by the director from the table in subsection F of this section on the basis of each employer's benefit wage percentage determined for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing

rates under this subsection all 14 columns in the table in subsection F of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be four percent (4.0%).

"When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 202 of this chapter, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent).

"(5) Any amount credited to this state's account under Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

"(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within thirty days after each such first day of January and, when contributions are required of employees under the provisions of this section, notice of such requirement shall be given the employer not later than ten days prior to the effective date of such contributions. This paragraph shall not apply to employers who in lieu of contributions reimburse the fund for benefits paid.

"H. Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall when required by subsection G of this section withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to Section 243 of this title. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in

doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage.

"I. For the purpose of this section, an employer's benefit wages and that part of his taxable payroll with respect to which contributions have been paid, shall be deemed benefit wages and taxable payrolls of a successor employer and shall be taken into account in determining the contribution rate of such successor employer as provided in subsection F of this section, if such manners set out in subsection D (1), section 185 of this chapter; provided further that an employer subject to this chapter who becomes such in any of the manners set out in subsection D (2), section 185 of this chapter may have that portion of his predecessor's benefit wages and that part of his predecessor's total taxable payroll with respect to which contributions have been paid which correspond to the segregable portion of the business assets and payroll thereof, acquired from his predecessor deemed to be his benefit wages and his payroll and such shall be taken into account in determining his rates, as provided in subsection F of this section, provided (1) he makes written application within ninety calendar days from the date of such acquisition and (2) furnishes to the director within one hundred twenty calendar days from the date of such acquisition a transcript of such total and taxable payrolls which correspond to the segregable portion acquired from his predecessor; provided further in the event that within the intervening one hundred twenty days a notice of his rate of contribution has been mailed to the partial successor, the thirty days finality provision set forth in subsection H of this section shall not prevail but, instead, be effective with respect to the subsequent notice computed on the basis of the benefit wages and taxable payrolls of the acquired segregable portion."

Section 7. Subsections A and B of Section 207, Title 26, Chapter 4, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ 207. A. If the amount thus derived is not a multiple of \$1.00, fractional parts of \$1.00 in excess of 50¢ shall be rounded to the next higher multiple of \$1.00 and fractional parts of \$1.00 which are 50¢ or less shall be dropped to the next lower multiple of \$1.00.

"B. If the amount derived before the application of subsection A of this section is not in excess of \$14.50, there shall be no weekly benefit amount."

Section 8. Subsections D and E of Section 213, Title 26, Chapter 4, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ 213. D. He has been totally or partially unemployed in such week.

"E. He has during his base period been paid more than \$522 in wages for insured work and in addition been paid wages for insured work equal to or exceeding $1\frac{1}{2}$ times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest, provided, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least 8 times the weekly benefit amount established for such individual in the preceding benefit year."

Section 9. Subsection B and C of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ 214. B. If he has left his most recent bona fide work voluntarily without good cause connected with such work.

"(1) However he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonable practicable so to do and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and (a) the individual fails to comply with same as soon as it is reasonably practicable so to do, or (b) upon the expiration of a leave of absence he shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.

"In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

"An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

"Provided, however, that nothing herein shall be construed

or interpreted as authorizing the payment of benefits to any person during or for unemployment due to sickness or disability or during any period in which he is on leave of absence granted in accordance with an established leave-of-absence policy the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subsection beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work, and has not refused reinstatement to do a job which under the provisions of subsection E of this section would be deemed suitable for her.

“(2) When an individual is disqualified under this subsection —

“(a) He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until (i) he has reentered insured employment or employment of the nature described in paragraphs (5) (6) (7) (8) (9) (10) or (18) of subsection K of section 186 of this title and (ii) for which employment he has earned wages equal to at least ten times his weekly benefit amount for the benefit year in which such disqualification is assessed.

“(b) The total amount of benefits to which he may otherwise be entitled as determined in accordance with section 209 of this title shall be reduced by an amount equal to not less than six nor more than twelve times his weekly benefit amount.

“(c) For the purpose of the experience rating provisions of section 204 of this title no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this subsection had the separation been from his most recent bona fide work and the employer answers a notice of payment within fifteen (15) days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

“(3) Provided further he shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights.

When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 204 of this title.

"(4) For the purposes of this subsection and subsection C of this section the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

"C. (1) If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a timely notice with the director alleging that the separation was under conditions described in this paragraph. When an individual is disqualified under this paragraph —

"(a) He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in paragraphs (5) (6) (7) (8) (9) (10) or (18) of subsection K of section 186 of this title.

"(b) He shall not thereafter be entitled to any benefits under this title on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

"(c) For the purpose of the experience rating provisions of section 204 of this title, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If in the case of a separation prior to separation from the most recent bona fide work the only reason disqualification under this paragraph was not assessed was the failure of the employer to properly file a timely separation report with the director but such employer does file such a report within fifteen (15) days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

"(2) If he was discharged from his most recent bona fide

work for actual or threatened deliberate misconduct committed in connection with his work (other than acts mentioned in paragraph (1) of this subsection) after previous warnings to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph (2) of subsection B of this section for disqualification or exemption from disqualification respectively.

“(3) If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in paragraphs (1) and (2) of this subsection).

“(a) He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the two nor more than the six next following weeks as determined by the director in each case according to the seriousness of the conduct.

“(b) The total amount of benefits to which he may otherwise be entitled as determined in accordance with section 209 of this title shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

“(c) Only one-half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 204 of this title. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under paragraph (3) had the separation been from his most recent bona fide work and the employer answers a notice of payment within fifteen (15) days after it is mailed to him detailing the facts in connection with the separation, then only one-half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 204 of this title.

“(4) If he has been suspended as a disciplinary measure connected with his work or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which or for which he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph (b) of paragraph (3) of this subsection.”

Section 10. Subsection D of Section 216, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 216. D. Finality of determinations and notice of payment. (1) Unless any party to whom notice of determination is required to be given shall, within seven (7) calendar days after delivery of such notice or within fifteen (15) calendar days after such notice was mailed to his last known address, file an appeal from such decision, such decision shall be deemed final. If an appeal is duly filed any disputed benefits which may have been paid or any wages which may have been determined to be employee's or employer's benefit wages at any time prior to the final decision, which would not have been payable or determined to be benefit wages under the terms of the final decision, shall not be deemed paid benefits or employee's or employer's benefit wages for the purposes of the experience rating provisions of section 204 of this title and the claimant shall be required to repay to the fund any such benefits. Provided, however, any removal of such benefit wages shall be applied to the calendar year and the calendar quarter in which the determination becomes final and no attempt shall be made to relate such a credit to the period in which the wages were previously determined to be benefit wages.

"(2) Unless any party to whom notice of payment is required to be given shall, within seven (7) calendar days after delivery of such notice or within fifteen (15) calendar days after such notice was mailed to his last known address, request the director to review the decision determining wages to be benefit wages, such decision shall become final. If the final decision provides for the removal of benefit wages, such a credit shall be applied to the calendar year and calendar quarter in which such decision becomes final and no attempt shall be made to relate the credit to the period in which the wages were previously determined to be benefit wages."

Section 11. Subsection C of Section 218, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 218. C. The decision of an appeals tribunal shall become final fifteen (15) days after notice of such decision has been mailed, postage prepaid to the claimant, and other parties to the proceedings, at the addresses furnished, or, if none shall have been furnished, at their last known addresses, unless within that time application be made to the board of appeals for permission to appeal to the board of appeals."

Section 12. Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended, are hereby amended to read:

"§ 224. B. Except as otherwise provided in section 225 of this title, an employer (except state hospitals, state institutions of higher education and political subdivisions) shall cease to be an employer subject to this title.

"(1) As of the first day of January of any calendar year if he files with the director prior to the first day of April of such year, a written application for termination of coverage and (a) he has not in any calendar quarter during preceding calendar year, paid for service in employment wages of \$1,500 or more; and (b) he has not on each of some twenty days, each day being in a different calendar week in the last completed calendar year employed one or more individuals in employment subject to this title; provided, in the case of an employing unit which became subject to this title pursuant to subsection H of section 185, he has not on each of some twenty days, each day being in a different calendar week in the preceding calendar year employed four or more individuals in employment subject to this title.

"(2) (a) As of the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph D (1) of section 185 of this title, provided he shall have ceased to employ any individual or individuals in employment subject to this title.

"Provided further, however, should the disposing employer reacquire all or substantially all of the same employing unit during the same or next succeeding calendar year without the predecessor having employed individuals thereby succeeding to the employment experience, he shall be deemed not to have ceased operation and shall have his rate of contribution computed based upon that portion of his and his successor's employment experience occurring during the period specified in Section 204 of this title.

"(b) If, immediately subsequent to the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph D (1) of section 185 of this title, he continues to employ any individual or individuals in employment subject to this title, he shall cease to be an employer subject to this title as of the first day of January next following the date of such transfer, provided he files with the director prior to the first day of April next following such first day of January, a written application for termination of coverage and he has not, subsequent to the date of such transfer and prior to such first day of January, employed one or more individuals in employment subject to this title on each of some twenty days, each day being in a different calendar week nor paid in any calendar quarter subse-

quent to such transfer for service in employment wages of \$1,500 or more.

“(3) As of the first day of January next following two consecutive calendar years ending on the preceding thirty-first day of December during which he employed no individuals in employment subject to this title.

“C. Any political subdivision which has made an election may terminate said election after the two-year period called for in subsection 225 B of this title has been completed by filing with the director written notice not later than the first day of December of any calendar year; such termination to be effective as of the first day of the next ensuing calendar year with respect to services performed on or after that date.

“When an employer’s coverage is terminated under the provisions of this section, such employer shall not, except as otherwise provided in this section, thereafter become subject to the provisions of this title on the basis of any employment by such employer prior to the effective date of such termination.”

Section 13. All laws and parts of laws in conflict herewith are hereby repealed.

Section 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 15. This act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 802 H. 1426—Martin, Carter, Moore (W), Drake,
Roberts, Cross

AN ACT

To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Noble J. Russell Building.

WHEREAS, Mr. Russell has served as a representative in the State Legislature and a longtime attorney in the City of Decatur; and

WHEREAS, during his career as attorney and as a legislator, he has served not only his community but has worked for the benefit of all the citizens of North Alabama in civic activities, community activities and in other ways; and

WHEREAS, Mr. Russell was responsible for an amendment to "The Trade School Act" making Decatur Trade School (now a part of Calhoun State Community College) the fifth state vocational trade school in the State; and

WHEREAS, he was largely responsible for the allocation of over \$200,000 in appropriations for the school; and

WHEREAS, in view of Mr. Russell's many efforts and contributions to the John C. Calhoun State Community College, it is deemed fitting and appropriate that such building should be named in his honor as a lasting reminder of his untiring work for the college and for the educational community of the State of Alabama; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects located on the campus of John C. Calhoun State Community College is hereby designated the NOBLE J. RUSSELL BUILDING in honor of Mr. Noble J. Russell.

Section 2. The State Board of Education is hereby authorized and directed to erect appropriate signs and markers around or on the described building displaying the name hereby established.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 803

H. 1493—Pegues, Manley, Harris, Venable, Campbell, Edwards, Ford, Dial, Higginbotham, Smith (B), Owens, Sasser, Malone, McCulley, Hines, Lockett, Carothers, Quarles, Clark, LeFlore, Sandusky

AN ACT

To name the new Cahaba River Bridge in Perry County the Walter C. Givhan Bridge.

WHEREAS Senator Walter C. Givhan is serving an unprecedented sixth term in the State Senate after having served five terms in the House; and

WHEREAS his legislative service exceeds that of any man in state history; and

WHEREAS Senator Givhan is known to all as the "dean" of the Senate; and

WHEREAS he has served his area of the state long, faithfully and well and deserves to be memorialized by having some permanent structure within this state named after him; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The new Cahaba River Bridge in Perry County is hereby named and designated as the Walter C. Givhan Bridge. The highway department shall cause said bridge to be so designated by appropriate signs or markings.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 804

H. 1592—Owens

AN ACT

To provide in Tuscaloosa County, Alabama, for the creation, maintenance and regulation of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Tuscaloosa County, Alabama, and to no other County.

Section 2. Definitions. The following words and terms as used in this Act shall have the meanings ascribed to them in

this Section 2, unless a contrary meaning is apparent from the context; "the Act" shall mean this Act; "the County" shall mean Tuscaloosa County, Alabama; "district for fighting fires" shall mean a district created under the Act for establishing and maintaining a system for fighting or preventing fires; "district for garbage disposal" shall mean a district created under the Act for establishing and maintaining a system for the collection and disposal of garbage; "district for fire fighting and garbage disposal" shall mean a district created under the Act for establishing and maintaining a system for fighting and preventing fires and a system for collection and disposal of garbage.

Section 3. Any area situated entirely within the County may be established as a district for fighting fires, or a district for garbage disposal, or a district for fighting fires and garbage disposal, in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district.

Section 4. Upon any petition provided for in this Section 4 being filed in the office of the Probate Judge of the County, he shall order an election to be held in the proposed district on the question, or questions, on which the petition requests an election.

The petition shall be signed by at least 100 qualified electors residing within the boundaries of the proposed district.

The petition shall contain a description of the area which it is proposed be established as a district under the provisions of the Act; and the petition shall request the Probate Judge to call an election on one or more of the following questions: Shall there be created for the area a district for fighting fires? Shall there be created for the area a district for garbage disposal? Shall there be created for the area a district for fighting fires and garbage disposal?

The petition shall state the name of the proposed district. The Board of Trustees of a district may change the name of the district by filing in the office of the Probate Judge a copy of a resolution changing the name thereof, which copy shall be certified by the President of the Board of Trustees.

The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge which last named petition shall be signed by at least 100 qualified electors residing within the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge, if the request for the election on

the proposed district and the request for an election on the proposed service charge are combined in a single petition.

Section 5. When a petition for the holding of any election hereunder is filed with the Probate Judge not less than thirty days and not more than sixty days prior to some other election to be held in the territory in which an election is sought by the petition, the Probate Judge shall order the election sought by the petition to be held on the same day as such other election is held.

If the petition is not filed at such time as will permit the election sought thereby to be held at the time some other election is held, as provided for in the next foregoing sentence, the Probate Judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty days from the date on which the Probate Judge enters said order.

The provisions of this Section 5 shall apply to all elections provided for by the Act.

Section 6. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder.

Section 7. The Probate Judge shall give notice of any election held under this Act by publishing for three weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 8. Where an election is held on the question of the establishment of a district, the governing body of the County shall pay for the necessary expense of advertising and conducting such election out of the general funds of the County; provided, however, that if the district is established, the district shall reimburse the County for the expenses incurred by the County in respect to said election.

After a district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district.

Section 9. No district shall be created unless the creation thereof is approved by the majority of votes cast at the election at which the proposed creation is submitted. Upon the officers canvassing the returns of the election certifying that

the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 10. The affairs and business of the district shall be managed by a Board of Trustees consisting of five members appointed by the governing body of the County. No person shall be appointed to said Board unless he is a qualified elector of the district. Appointment shall be for a term of five years provided, however, that to stagger the terms one of the five members first appointed shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years.

The Board of Trustees shall elect annually from its own number a President and a Secretary. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties.

Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgage, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any part of its property, as hereinafter provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this Act, subject to the limitations prescribed in said Act. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

Section 12. The expense of establishing and maintaining a

district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from persons and properties served by the system. Such charge shall be a personal obligation of the occupant of the property served by the system; and to secure the collection of the charge there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

Section 13. No service charge shall be levied unless the same has been first approved by the majority of the votes cast at an election held hereunder by the qualified electors residing within the district, or within the proposed district.

An election on the question of levying a service charge in a proposed district may be held at the same time that the election is held on the creation of the district, provided that the petition for the election on the question of the service charge accompanies the petition for the election on the establishment of the proposed district, as is provided for in Section 4, above. An election on the question of a service charge may be held upon the Board of Trustees of a district submitting to the Probate Judge a petition for such election as hereinafter provided. The Board of Trustees shall file in the office of the Probate Judge a petition that he call an election in the district on the question of whether the service charge proposed by the Trustees shall be levied.

The petition shall state specifically the charge which it is proposed shall be levied. The petition may request that an election be held on more than one proposed charge. Upon the petition being filed with the Probate Judge, he shall order an election to be held within the time provided for by Section 5, above.

Section 14. (a) A district may be enlarged in accordance with the terms of this Section 14, provided, however, that no area lying within a municipality at the time of the enlargement shall be brought within the district. (b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approve the inclusion of the area within the district and also approve every service charge in effect within the district at the time of the election. (c) The term "proposed area", as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the Board of Trustees of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also

to the advantage of the majority of the inhabitants of the proposed area, the Board of Trustees may file in the office of the Probate Judge a petition that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge in effect within the district at the time of the election is approved. Upon such petition being filed, the Probate Judge shall order an election to be held within the proposed area, within the time provided for in Section 5, above, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election the proposed area shall become a part of the district.

Section 15. Any district created hereunder may be abolished in the manner provided for in this Section 15; provided, however, that no district shall be abolished when it has any indebtedness.

Upon the petition for abolition of a district, conforming to the requirements set forth below, being filed with the Probate Judge, he shall order an election on abolition of the district to be held in the district within the time provided for by Section 4, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors of the district. It shall contain a recital that the district is not indebted; and it shall request the Probate Judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 17. All laws or parts of laws, whether general, special or local, in conflict with this Act are hereby repealed.

Section 18. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 805

H. 1688—Crawford, Sasser

AN ACT

Relating to counties having a population of not less than 22,250 nor more than 23,000 inhabitants according to the most recent federal decennial census; to provide that no claim presented to the county commission need be sworn to and that no testimony need be presented as to whether any part of such claim has been previously paid.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 22,250 nor more than 23,000 inhabitants according to the most recent federal decennial census.

Section 2. No claim presented to the county commission of any such county under Code of Alabama 1940, Title 12, Sections 110 or 111, need be sworn to and no testimony need be presented as to whether any part of such claim has been previously paid as is required by Code of Alabama 1940, Title 12, Section 115, however, all such claims must be accurately and fully itemized.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 806

H. 1702—Shelton, Quarles, Merrill

AN ACT

To provide that any municipality within Calhoun County may hold a referendum every four years on the question of allowing said

municipality to become or remain legally dry, or to become or remain legally wet.

Be It Enacted by the Legislature of Alabama:

Section 1. Any incorporated municipality within Calhoun County is authorized to hold a referendum not more frequently than every four years on the question of allowing said municipality to become or to remain legally dry or to become or to remain legally wet if a petition signed by at least twenty-five percent of the registered voters within the municipality is submitted to the municipal governing body requesting that an election be held.

Section 2. The elections provided for herein shall be conducted as nearly as possible, in accordance with the rules and procedures prescribed for holding county wet-dry elections, except that the mayor shall perform all duties relative to the election required by law of judges of probate relative to wet-dry county elections.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 807

H. 1711—Teague

AN ACT

To permit banks now or hereinafter situated in the City of Childersburg in Talladega County to establish, maintain and operate branch banks and branch offices within the limits of said city for the conduct of general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, within this state, now or hereinafter situated in the City of Childersburg in Talladega County, shall have the power to establish, maintain and operate within the limits of said city, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for

the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks, or other appropriate regulatory authority.

Section 2. The provisions of Code of Alabama 1940. Title 5, Section 125, which conflict with this Act are specifically repealed as to the county and city in which this Act applies, and all other laws, general or local in conflict herewith, are also repealed as to such city and county.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 808

H. 1728—Merrill, Shelton

AN ACT

Relating to the Seventh Judicial Circuit; to authorize the district attorney to appoint two deputy district attorneys and one clerk-secretary; to fix their salaries and to provide for the payment thereof; and to provide further for the compensation of the investigator for the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Seventh Judicial Circuit may appoint two deputy district attorneys who shall serve at the pleasure of the district attorney. Any such deputy must be a resident of a county within the circuit and must be licensed to practice law in this state. The deputies shall perform such duties and exercise such authority as may be prescribed by the district attorney.

Section 2. The deputy district attorneys appointed under this Act shall receive a salary of not less than \$14,000.00 nor more than \$18,000.00 per annum, the exact amount to be set by the district attorney. However, the salary of one of said deputies shall be paid out of the Alabama Law Enforcement Planning Agency funds to the extent and so long as such funds are available.

Section 3. The district attorney of the Seventh Judicial Circuit may employ a clerk-secretary who shall serve at the pleasure of the district attorney. The clerk-secretary shall perform such clerical and secretarial duties as the district attorney may prescribe. The clerk-secretary may at the request of the district attorney, attend all grand jury sessions in said circuit, and transcribe the testimony and other matters being brought before the grand jury.

Section 4. The clerk-secretary employed under this Act shall receive a salary of not less than \$6,000.00 nor more than \$8,500.00 per annum, the exact amount to be set by the district attorney. However, said clerk-secretary shall be paid out of Alabama Law Enforcement Planning Agency funds to the extent and so long as such funds are available.

Section 5. So much of the salaries set out above for the positions of deputy district attorneys and clerk-secretary that are not available from Alabama Law Enforcement Planning Agency funds shall be paid out of the state general fund.

Section 6. The salary heretofore fixed for the position of investigator for the circuit shall not be changed, except that the position shall be entitled to receive the same salary increases granted to other county employees.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 809

H. 1738—Howard, Armstrong

AN ACT

To provide for an expense allowance for the president of the board of commissioners and each associate commissioner of the board of any city having a population of not less than 32,000 nor more than 34,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation or expense allowances now provided for by law, the president of the board of commissioners of any city having a population of not less than 32,000 nor more than 34,000 inhabitants according to the most recent federal decennial census shall be entitled to an expense allowance of \$300 per month and each

associate commissioner of the board of such cities shall be entitled to an expense allowance of \$200 per month. Such allowances shall be paid out of the city treasury in equal semi-monthly installments on the 1st and 15th of each month.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective October 1, 1975.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 810

H. 1758—Teague

AN ACT

To provide for compensation for members of the jury commission in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, each member of the jury commission in such counties shall receive a salary of One Hundred Fifty Dollars (\$150) per month, payable out of the treasury in such counties. Such salary shall be in lieu of all other compensation or allowances now provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 811

H. 1790—Smith (J)

AN ACT

To amend Section 8, Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), relating to Alabama Pollution Control Finance Authority,

so as to increase the amount of bonds authorized to be issued by the Authority from \$25,000,000 to \$30,000,000 and to increase the years of maturity from not exceeding 30 to not exceeding 40 years.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), is hereby amended to read as follows:

"Section 8. Authorization of Bonds. For the purpose of providing funds for the State to make grants to Local Public Bodies for a Project or Projects, or for the payment of obligations incurred or temporary loan made for any of said purposes, the Authority is hereby authorized, from time to time, to issue and sell its Bonds, not exceeding the aggregate principal amount, however, \$30,000,000.00. Such bonds may be issued in one or more series, shall be in such form and denominations and of such tenor and maturities, not exceeding 40 years from the date of issue of each series, shall bear such rate or rates of interest, payable and evidenced in such manner, may contain such provisions for registration or for redemption prior to maturity, and may contain such other provisions not inconsistent herewith, all as may be provided by the Authorizing Resolution. As security for the payment of the principal of and interest on its Bonds, the Authority is authorized to pledge, transfer and assign any obligations of each Local Public Body, payable to the Authority and the security for such obligation."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 812

H. 1831—Owens

AN ACT

Relating to all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent federal decennial census; authorizing the county governing bodies of such counties to make an additional annual appropriation to the tax assessor and tax collector for clerk hire allowances to be paid from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body, in all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent federal decennial census, is hereby authorized and directed to make the following

additional annual appropriation from any funds available in the county treasury for such purpose and not otherwise appropriated, to the tax assessor the sum of one thousand dollars (\$1,000) and to the tax collector the sum of two thousand dollars (\$2,000) for clerk hire allowances, all such clerk hire allowances to be paid to the clerk. This annual appropriation shall be in addition to all other compensation heretofore appropriated for clerk hire allowances.

Section 2. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 813

H. 1835—Merrill, Shelton

AN ACT

To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama alcoholic beverage control board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within any county having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 814

H. 1837—Johnson

AN ACT

Relating to counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census; providing for the salaries of the chairman and associate members of the civil service boards of such counties and repealing all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census.

Section 2. The chairman of the civil service board of such counties shall receive a salary of \$125 per month and each associate member thereof shall receive a salary of \$100 per month, such salaries to be paid out of the county treasury of such counties.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 815

H. 1842—Dial

AN ACT

Relating to all counties having populations of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; authorizing the county governing body to hire deputy sheriffs, subject to available county funding for such purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census.

Section 2. The governing body of such counties is hereby authorized to hire such deputy sheriffs for said counties as may be deemed necessary by said body, provided there are sufficient funds in the county general fund to be appropriated for such purposes.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 816

H. 1843—Dial

AN ACT

Relating to all counties having a population of not less than 10,900, nor more than 11,500 according to the most recent federal decennial census; authorizing the governing bodies to establish within any such county or in any municipality located within any such county ambulance service on a non-profit basis; further authorizing any such county to join with any one or more municipality within the county in the establishment of such ambulance service; providing the manner and procedure for establishing the same; authorizing appropriations of public funds and charging certain fees for such service; and exempting from tort liability any such county and municipality while operating ambulances or providing ambulance service as authorized herein.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 10,900, nor more than 11,500 inhabitants according to the most recent federal decennial census the county governing body or the governing body of any municipality within such county is hereby authorized to create and establish, maintain and operate ambulance service within the county, or within the municipality, to promote the health, welfare and safety of the residents of the county and municipality and of citizens and persons traveling within such county, and may make all needful rules and regulations for the control and management of such service. The governing body of the county and the governing body of any one or more municipalities within the county may unite in the establishment of such ambulance service, if

deemed expedient, making such service common for the use of the county and of the municipality or municipalities, and may make rules and regulations for the control and management thereof, and shall jointly have the same powers and authority herein conferred upon each. The governing body of any municipality may also unite with the governing body of any other municipality within such county, in the establishment of such ambulance service, if deemed expedient, making such service common for the use of the several governments, and may make rules and regulations for the control and management thereof, and shall jointly have the same powers and authority herein conferred upon each.

Section 2. The governing body of any county to which this act applies or the governing body of any municipality in any such county may appropriate public funds to aid in or to pay for the establishment, maintenance and operation of such service.

Section 3. The governing body of any county to which this act applies or the governing body of any municipality in any such county may enter into contracts to provide such ambulance service, and may appropriate and pay public funds for such service provided under such contracts.

Section 4. The governing body of any county to which this act applies and the governing body of any municipality in any such county may fix and establish fees for such ambulance service, provided that fees and charges for such service shall be limited to an amount necessary to fund the expenses of operating and maintaining such service, which shall not include profit.

Section 5. The creation, establishment, maintenance and operation of ambulances or ambulance services authorized herein is hereby declared a public governmental function, and no action or suit shall be brought or maintained against any county to which this act applies or against any municipality in any such county for or on account of the negligence of such county or municipality, or of its officers, in and about the establishment, maintenance, operation, superintendence or management of any ambulance service authorized herein. This exemption shall not apply to any independent contractor furnishing ambulances or ambulance services under contract under the provisions of Section 3 of this act.

Section 6. The provisions of this act are cumulative and in addition to any authority heretofore granted or authorized to any county to which this act applies or any municipality or municipalities in any county for the establishment, maintenance or operation of ambulance service.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains and it is the intent of the Legislature that it would have adopted all portions of this act independent of the elimination thereof of any such portion that may be declared invalid or unconstitutional.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Act No. 817

H. 1845—Kelley, Mitchem

AN ACT

To create a 12 member Board to serve as a County Wide Rural Sanitation Board, for Marshall County, Alabama to assist in obtaining sewage treatment and disposal facilities for said County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Rural Sanitation Board shall be composed of twelve (12) members and serve at the pleasure of the State Legislature. The terms of office for the members of this board shall be as follows:

3 members for a term of one (1) year

4 members for a term of two (2) years

4 members for a term of three (3) years

1 member — Chairman Marshall County Commission shall

serve four (4) years or as long as he remains in office. Members to this Board shall be appointed as follows: Each of the Representatives to the Legislature from Marshall County shall appoint one (1) member to each of the different length terms, excluding the Chairman. The State Senator representing Marshall County in the Legislature shall appoint one (1) member to a two (2) year term and one (1) member to a three (3) year term.

Section 2. This Rural Sanitation Board shall have the authority to apply for and execute any and all necessary papers and documents to obtain or secure rural sanitation treatment stations.

Section 3. There shall be a minimum of \$25,000 per year appropriated to the Board from any funds the County Administrative Officer has available. This money may be used as matching money to obtain additional monies or may be used

to construct new facilities outside any cooperative limits for the purpose of sewage treatment or disposal.

Section 4. Each of the members of the Rural Sanitation Board are to receive no additional compensation for their services to this Board.

Section 5. If, for any reason, this Board fails to function after a period of four (4) years, any money appropriated to the Board would revert to the General Fund of the Marshall County Commission.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 818

H. 1851—Cates

AN ACT

Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all such counties of 22,000 to 22,500 population, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$7.00 which shall be collected by the sheriff. Seventy-five percent (75%) of each fee collected shall be credited to a special fund or account in the county treasury to be known as the law enforcement fund, which shall be used exclusively by the sheriff for law enforcement purposes; and the remainder shall be paid into the general fund in the county treasury.

Section 2. The monies deposited into the sheriff's law enforcement fund shall be paid over by the county treasurer to the sheriff of such county of 22,000 to 22,500 population from time to time upon written requisition by the sheriff to the county treasurer. The sheriff shall keep and maintain records of all expenditures made from said fund, and said fund and sheriff's expenditures shall be subject to audit upon resolution of the county commission of such county of 22,000 to 22,500 population or as otherwise provided by law. The sheriff may

expend such funds for salaries, equipment, or other necessary expenditures for the operation of his office.

Section 3. The establishment of the sheriff's law enforcement fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his office.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 819

H. 1852—Hines, Warren

AN ACT

Relating to Escambia County; to give the members of the county commission an additional monthly expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Escambia County commission shall be entitled to an additional monthly expense allowance in the amount of \$100 per month. This expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law and shall be paid from the county general fund.

Section 2. The provisions of this act shall become effective on the first day of the month next following the date when this act becomes law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 820

H. 1863—Smith (M)

AN ACT

Relating to all counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; further regulating the taking of fish from public streams and impounded waters; authorizing the taking of non-game fish by the use of wire mesh baskets, thread hoop nets, or wooden baskets, and prescribing a license tax therefor; and prescribing penalties for violations of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census.

Section 2. The director of the department of conservation and natural resources is hereby authorized and empowered to establish and promulgate rules, regulations and policies authorizing the taking, catching or killing of non-game fish from the public waters of such counties by the use of mesh wire baskets or thread hoop nets one inch or larger, or by the use of cylinder-type slat boxes made of wood which have openings of one and one-quarter inches or larger.

Section 3. Any person desiring to use such devices in areas where they may be legalized by regulation, as provided for above, must first obtain a license for that purpose by applying therefor to the probate judge or other appropriate licensing authority in such county and shall pay a privilege license tax of one dollar (\$1.00) for each such device with which he proposes to fish. The judges of probate, license commissioners or other person authorized to issue fishing licenses shall be entitled to a fee of twenty-five cents (\$0.25) for each license so issued, which fee shall be in addition to the privilege license tax prescribed in this act. The department of conservation and natural resources shall furnish license forms to the probate judges or licensing authorities and shall require them to keep a permanent record of all licenses issued and all funds received for taxes. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license as provided herein shall be remitted by the issuing officer to the department of conservation and natural resources on the first day of the month following issue, and shall be deposited into the state treasury to the credit of the game and fish fund.

Section 4. It shall be illegal for any person to obtain more than four (4) such licenses or to fish with more than four (4) such devices as described in Section 2 of this act.

Section 5. Any mesh wire basket, thread hoop net or

wooden cylinder-type slat box which may become legal for use in the waters of the counties covered by the provisions of this act shall be clearly marked with the name of the licensee operating, using and owning said device with the license number marked thereon. All such devices not so marked shall be destroyed upon discovery by any officer, agent or employee of the department of conservation and natural resources.

Section 6. Only non-game fish may be taken, captured or killed by means of any device described in Section 2 hereof which may become legal for use in such county under the provisions of this act. All game fish taken in such device shall immediately be returned to the waters from which taken with the least possible harm.

Section 7. Any person holding a commercial fishing license or engaged in the business of commercial fishing is prohibited from obtaining licenses provided for in this act, and it shall be unlawful for any person holding a license under the provisions herein to sell or offer for sale any fish within or without the counties in which this act applies. (It is the specific intent of this act to allow the use of the devices described in Section 2 to catch fish for personal consumption only).

Section 8. It shall be illegal for any person to raise, inspect or take fish from any device that may be legalized under the provisions of this act unless such person shall hold in his name and have in his possession the license for the particular device he is raising, inspecting or from which he is taking fish; provided, however, that nothing in this section shall prevent the raising of such devices for inspection by any officer, agent or employee of the department of conservation and natural resources.

Section 9. Any person who violates the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00). In addition, all licenses issued hereunder to such person shall be revoked, and no other such license shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 821

H. 1875—Crowe

AN ACT

Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. In counties to which this act applies it shall be unlawful for any person to hunt, take, kill or to attempt to hunt, take or kill fox with guns or bow and arrow except during the period provided for gun hunting of deer as set by the department of conservation and natural resources.

Section 3. It shall be unlawful for any person to hang or suspend bait over or within 25 feet of a steel trap used for the taking of fur-bearing animals.

Section 4. It shall be unlawful for any person to use any such steel trap on lands other than lands he owns without marking each trap used with his or her full name and current address.

Section 5. Nothing in this act is intended to prohibit a person from running fox with dogs at any time during the year so long as the person engaged in the running of fox does not possess any guns or bows and arrows, nor is any part of this act intended to prohibit the taking or killing of fox within three hundred (300) yards of any residence by persons occupying the dwelling, nor is any part of this act intended to prevent the control of fox with guns at any time during the year when such control is necessary due to an outbreak of rabies.

Section 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished

by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or six (6) months in jail for each offense.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 822

H. 1876—Kinsey, McMillan

AN ACT

To further amend Section 1 of Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159) as amended by Act No. 1183, H. 1344, approved September 13, 1969 (Acts of Alabama 1969, Vol. III, Page 2212) entitled "An Act to amend Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159), an Act fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees" so that said Act after passage and approval of this Act by the Governor or its otherwise becoming law, shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159) as amended by Act No. 1183, H. 1344, approved September 13, 1969 (Acts of Alabama 1969, Vol. III, Page 2212) entitled "An Act to amend Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159), an Act fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees" is amended to read as follows:

"Section 1. In all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be not less than five dollars nor more than fifteen dollars, which sum shall be determined by and collected by the sheriff. Any and all moneys collected under this section of this act shall be deposited by the sheriff of such county, in any bank located in such county, into a fund known as the Sheriff's

Fund. The Sheriff's Fund as provided in this section of this Act shall be drawn upon by the sheriff of such county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the Sheriff's Fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 823

S.J.3 138—Jones

SENATE JOINT RESOLUTION

WISHING GRACE THOMAS A SPEEDY RECOVERY

WHEREAS, Mrs. Grace Thomas, lovely wife of Associated Press correspondent Rex Thomas, "Dean of the Capitol Press Corps," is currently hospitalized at Saint Margaret's Hospital in Montgomery; and

WHEREAS, it is the hope of the Legislature of Alabama that Mrs. Grace Thomas will be returned to good health very quickly; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish Mrs. Grace Thomas Godspeed in a speedy recovery of her health.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Grace Thomas.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 824

S.J.R. 139—McMillan, Gilmore, Pearson,

Clemon, Vacca, Wilson,
Ellis

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. NONA S. HILL

WHEREAS, Mrs. Nona S. Hill, the mother of our esteemed friend, Dr. S. Richardson Hill, died on September 23, 1975, in Greensboro, North Carolina; and

WHEREAS, Mrs. Hill lived a full and fruitful life, and was an inspiration to her family and to her community; and

WHEREAS, She took particular and justifiable pride in the career of her son, the Vice President for Health Affairs, and Director of the Medical Center at UAB, as well as Director of the University of Alabama Systems Medical Education Program; and

WHEREAS, This body holds Dr. Hill in high regard, and grieves in his great loss; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mrs. Nona S. Hill, and extend deepest sympathy to her son, Dr. S. Richardson Hill, and her sister, Mrs. Margaret Ragsdale, of Jamestown, North Carolina, to whom copies of this resolution will be sent.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 825 S.J.R. 142—Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

HONORING JAMES V. "JAKE" JORDAN UPON HIS RETIREMENT AS STATE BUDGET OFFICER

WHEREAS, James V. Jordan, affectionately known to his associates and host of friends as "Jake", is retiring from public service after rising from accountant to State Budget Officer,

over a period of thirty-seven years, viz: two years in the Highway Department, six and one-half years in the Treasurer's Office and Finance Department and almost thirty years as State Budget Officer; and

WHEREAS, "Jake" has always contributed generously of his leadership, time, talents and means to his state and its citizens; and

WHEREAS, "Jake" Jordan has often stood as a lone warrior conscientiously and doggedly fighting to preserve fiscal responsibility in state government; and

WHEREAS, Mr. Jordan enlisted in the United States Marine Corps on September 16, 1942, and served with distinction in the Pacific Theatre of Operations until his discharge on November 5, 1945; in recognition of his multitudinous talents in the fiscal management field, on July 22, 1952 he was appointed and federally recognized as Major in the Finance Corps of the Alabama Army National Guard, and he subsequently served as budget and fiscal officer for the State Headquarters and Headquarters Detachment divisions where his dedicated services earned him the promotion on November 23, 1959, to the rank of Lieutenant Colonel. Although he had attained the maximum years of service as a commissioned officer, he still was anxious to further serve his state and county and on February 19, 1965 he accepted an appointment as Chief Warrant Officer W-2 and served with enthusiasm until his retirement from the National Guard on July 21, 1969. Among one of his most noteworthy contributions in the Guard was his assignment in the Phenix City Cleanup in 1954, as the principal aide to Major General "Crack" Hanna, State Adjutant General, in bringing a state of order and normalcy out of turmoil and lawlessness during that troubled time; and

WHEREAS, James V. "Jake" Jordan was nationally recognized for his fiscal acumen upon his election as national president of the State Budget Officers' Association in 1953; and

WHEREAS, Jake Jordan is held in the highest of esteem, as a patriot, soldier, and as a public servant, and his activities in each of these endeavors have reflected great credit on himself, the Alabama National Guard, this State and this Nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James V. "Jake" Jordan is hereby congratulated and heartily commended for his dedicated, conscientious, and inimitable service as a public servant and his exceptionally meritorious and distinguished military service, and we do thank him for his

long and faithful service to his fellow man, the State of Alabama and the United States and wish for him every happiness on his retirement as State Budget Officer of the State of Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate deliver a copy of this resolution to Jake Jordan as a symbol of the appreciation shared by the members of this body, his fellow employees and the people of Alabama.

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 826

S.J.R. 145—Powell

SENATE JOINT RESOLUTION

COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

WHEREAS, former Alabamian John Henry Faulk was associated with CBS Television Network for several years; and

WHEREAS, this Union Springs, Alabama native is now living in the State of Texas and has recently written a book entitled "Fear on Trial;" and

WHEREAS, "Fear on Trial" will be dramatized this Thursday, October 2, 1975, on CBS Television; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend former Alabamian John Henry Faulk and wish him well with his new book, "Fear on Trial."

Approved October 6, 1975.

Time: 3:30 P.M.

Act No. 827

S. 218—Fine

AN ACT

To amend Section 2 of Act No. 107, S. 156, of the Regular Session of 1947, [now appearing in the Code of Alabama 1940, Recompiled 1958 in Title 13, Section 187 (3)] entitled An Act to authorize circuit judges of judicial circuits composed of one county having but one circuit judge to appoint regular bailiffs and fix their terms of office, so as to raise the amount paid bailiffs to an amount not to exceed six hundred dollars (\$600.00) per month.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 107, S. 156 of the Regular Session of 1947 is hereby amended to read as follows:

“Section 2. The judge shall fix the salary of the bailiff at a sum not to exceed six hundred dollars (\$600.00) per month, which salary shall be paid monthly out of the general fund of the county on the order of the judge.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 828

S. 290—McDonald (S)

AN ACT

To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206), is hereby amended to read as follows:

“Section 2. The sheriff of Marshall County is hereby authorized to appoint the following number of employees whose compensation shall be determined by the county commission and shall be paid from any fund in the county treasury each month in an amount not less than that listed below:
Number of

Employees Authorized	Position	Compensation
1	Chief Deputy	\$850
14	Deputies	\$650
1	Chief Investigator	\$850
1	Assistant Investigator	\$650
1	Chief Jailor	\$650
3	Jailors	\$450
1	Chief Clerk	\$650

2	Clerks	\$450
1	Matron	\$250"

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 829

S. 292—Waldrop

AN ACT

Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Etowah County.

Section 2. It is the purpose of this act to better secure the administration of the financial affairs of such counties by vesting in the chairman of the county commission, and members of said commission, a direct and effective supervision over all county offices, departments, boards and agencies and to provide for the annual initiation and preparation of a balanced budget of all revenues and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund and other funds.

Section 3. The Chairman of the County Commission shall:

A. Be charged with the responsibility of supervising and controlling all payments from county funds of appropriate warrants, or warrant checks, which said warrants or warrant

checks shall be signed by said chairman and the associate member of the commission with the longest consecutive tenure.

B. Direct and supervise the drafting and preparation of the tentative budget document and the final budget document;

C. Perform the necessary work in reviewing requisitions for payments as are submitted;

D. Make such investigations as he may deem appropriate as related to budgetary matters.

E. Make such rules and regulations as may be necessary for carrying out the provisions of this act;

F. Perform such other duties as are herein provided and any such duties as may be required to effectively control the financial operations of county government;

Section 4. On or before March 1 of each year, the County Commission Office (Chairman), Associate County Commissioners (District 1,2,3, and 4), Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, and all other county offices, departments, boards, or agencies (and all state or municipal departments, institutions, boards, commissions or agencies desiring funding, payments, or appropriations from county government) shall transmit to the chairman of the county commission estimates of their expenditures for the coming fiscal year. In event of any failure to submit a required estimate, the chairman of the county commission may cause required estimate, the chairman of the county commission may cause to be prepared such an estimate as is in his opinion reasonable and proper.

Section 5. On or before March 1 of each year the chairman of the county commission shall prepare an estimate of the total income of the county for the coming fiscal year, listing and classifying such income according to source.

Section 6. Not later than July 1 of each year, the chairman of the county commission shall cause to be prepared a tentative budget. The aggregate sums tentatively budgeted for expenditure during the ensuing fiscal year shall not exceed the estimated revenues for the ensuing year plus the amounts in county funds remaining in the treasury at the close of the year in progress. Said tentative budget shall present in detail proposed expenditures to meet the needs of county government.

Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipal departments,

institutions, boards, commissions and agencies (except for funding, payments or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

Section 8. The chairman of the county commission shall make provision for public hearings on the tentative budget not later than August 15 of each year, to which he shall extend invitations to the heads of all concerned county, state and municipal offices, departments, boards, institutions, commissions and agencies, to be present at such hearings and to participate in same through the asking of questions and/or the expression of opinion in regard to items of the tentative budget.

Section 9. Within a reasonable time after the conclusion of the public hearings above provided for, but before October 1, the county commission, upon recommendation of the chairman of said commission, shall adopt and approve a final budget for the ensuing fiscal year, which said budget may not thereafter be amended or revised except by majority vote of the said commission, upon the recommendation of the chairman, which said budget must not provide for a deficit. If said final budget should be amended for any elected county office, department board or agency before the fiscal year is completed, all other elected county offices, department boards or agencies are to be notified in writing immediately by the chairman of the County Commission.

Once said final budgets (revenues and expenditures of all county funds) are approved, the Chairman of the County Commission shall publish same in a local newspaper by October 15. On or before April 15 said Chairman shall again publish said budget showing revenues received and monies expended to date. The same shall be repeated on or before September 15.

The expenditures of no office, department, board, institution, commission or agency shall exceed the amount originally provided for in the aforesaid final budget, unless same be amended or revised to provide for same by majority vote of the county commission, upon recommendation of the chairman. Any department official including the County Commission Office (Chairman) Associate County Commissioners (District 1, 2, 3 and 4) Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, who willfully violates any of the provisions of this section shall be personally liable for the amount by which the expenditures of his office, department board, institution, commission or agency exceed the amount set by the aforesaid budget up to one-hundred per cent of his salary and expense allowances unless same be amended or revised as above provided for.

The chairman of the county commission shall regularly review expenditures of all offices, departments, boards, institutions, commissions and agencies and shall forthwith notify any department head or other official in charge when it appears that he will exceed his budget for the fiscal year. If the appropriate department head fails to take remedial action, the chairman of the county commission shall not sign further warrants or warrant checks in payment of expenditures of the affected department until such remedial action is taken.

Section 10. The chairman of the county commission shall restrict the payment of warrants, or warrant checks, to prevent an overdraft or deficit in any fiscal year; payments shall be payable in such proportion as the total sum budgeted for such office, department, board, institution, commission or agency, bears to the total amount estimated as available in said fiscal year; that is payments shall be made from available funds by prorating, without discrimination against any office, department, board, institution, commission or agency.

Section 11. All funds budgeted during any fiscal year to any office, department, board, institution, commission or agency, but not expended during said year, shall lapse at the end thereof and shall not be subject to expenditure (in addition to newly budgeted funds) during the ensuing fiscal year; that is such office, department, board, institution, commission or agency, shall, in the ensuing year, be limited to the amount provided for in the new budget.

Section 12. For the fiscal year commencing October 1, 1975, and ending September 30, 1976, the tenth day of the month next following the enactment of this act shall be applicable in lieu of the date of March 1 where hereinabove provided in Sections 4 and 5.

Section 13. The county commission, upon the recommendation of the chairman, shall hire a central purchasing agent whose duty shall be to maintain an inventory supply of materials and equipment, purchase such material and equipment on a competitive bid basis where practicable, and to disperse such materials and equipment chargeable to approved budgeted accounts of the various offices, departments, agencies, institutions and boards. Purchase orders shall be made by a requisition from the respective department head or the respective county commissioner and said requisition order shall show the description, use and need for the article, machinery, or equipment to be purchased. All requisitions to the central purchasing agent must be approved by the agent prior to disbursement. The central purchasing agent is prohibited from approving or disbursing materials, machinery, equipment, or supplies

in value beyond the final fiscal year budget approved by the county commission.

The central purchasing agent, in order to carry out his various duties and functions shall be provided by the county commission all such clerical help as may be necessary for the efficient operation. The annual salary for the central purchasing agent shall be set by a majority vote of the county commissioners in the form of a resolution but said sum shall not exceed the total sum of \$15,000.00 per year; provided that salary may be increased in the same manner as other employees insofar as cost of living salary increases are otherwise provided for by law.

The central purchasing agent, any member of his family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with the county.

The central purchasing agent shall not accept anything of value, including a gift, favor or service, based on any understanding that the official actions or purchases of the central purchasing agent would be influenced thereby or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with food afforded the central purchasing agent when such expenses are in an amount of less than \$25 per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

Section 14. If any section or provision of this act is declared unconstitutional, the sections or provisions remaining shall not be affected.

Section 15. This act shall be considered cumulative, but all laws or parts of laws in conflict herewith are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

AN ACT

To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971, is hereby amended to read as follows:

“Section 1. The county boards of education in all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent or any subsequent federal decennial census, shall meet and conduct the business of the board on the first Tuesday after the first Monday of each month commencing at 7:00 p.m., and at such other times as the board deems to be in the best interest of public education, without any limitation upon the number of such board meetings per year.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 831

S. 533—Adams

AN ACT

To authorize each municipality in Alabama to convey, without an election, and with or without consideration, its waterworks system, its sanitary sewer system, or either thereof, or any part of either thereof, to any other municipality in the state, and to make agreements with respect to such matters.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, wherever used in this Act, shall have the meanings respectively ascribed to them in this section.

“Municipality” means a municipal corporation organized and existing under the laws of Alabama.

“Water system” means facilities for the gathering, collect-

ing, impounding, treatment, transmission, and distribution, or any of them, of water for domestic use or for industrial use, or both, together with all appurtenances to any such facilities.

“Sanitary sewer system” means facilities for the collection, transmission, treatment and disposal of sewage, together with all appurtenances to any such facilities.

“Combined system” means a consolidated system resulting from the combination of any water system and sanitary system.

“System” means a water system, a sanitary system, or a combined system.

Section 2. Conveyance Authorized. Each municipality which now or hereafter owns a system or part of a system, is hereby authorized to transfer and convey one or more systems, or any part or parts of a system or systems, or any rights incidental thereto, without the necessity of authorization at an election of the qualified voters of such municipality, to any other municipality in Alabama. Any such transfer or conveyance may be made with or without recuniary consideration and on such terms and conditions as the governing body of the municipality owning such system or systems or part or parts thereof, may determine. Any such transfer and conveyance shall be made only upon the enactment by the governing body of the municipality owning such system, or systems or part thereof, of an ordinance or resolution authorizing such transfer and conveyance.

Section 3. Agreements. The municipality making any such conveyance and the municipality to which such conveyance is to be made are hereby authorized to enter into any agreements which they may deem necessary or appropriate in order to effectuate such transfer, and may include in the instrument of transfer any conditions or stipulations deemed advisable by their respective governing bodies and authorized by ordinance or resolution adopted by the governing body of each such municipality. Nothing contained in this act shall be construed to authorize any municipality to convey any system or systems or part thereof so as to vest title thereto in private ownership and control; provided, however, that title to any system or systems or part thereof may be subjected to a mortgage, deed of trust or pledge agreement as security for repayment of money borrowed by the municipality to which such conveyance is made.

Section 4. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 832

S. 535—McDonald (S)

AN ACT

Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge in Marshall County, may with the approval of the county governing body, issue motor vehicle license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicles signed by such owner requesting the judge of probate to issue the same by mail.

Section 2. The judge of probate issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the judge of probate, tax collector, or such other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and in addition thereto the judge of probate shall collect a handling and mailing fee in such amount as the county governing body may deem necessary to cover the county's expenses involved in providing this mail order service. The judge of probate shall pay this handling and mailing fee into the county treasury to the credit of the general fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. The judge of probate issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United States Post Office, or its successor, by the judge of probate issuing the same.

Section 6. The judge of probate electing to issue motor vehicle license tags under the provisions of this act may pre-

scribe such rules and regulations for application of such license tags as he may deem reasonably necessary and may also issue notices to prior year motor vehicle licensees by mail with prepared application forms stating the amount of taxes, fees and other charges due.

Section 7. The provisions of this act are permissive and shall not be construed to require the judge of probate to issue motor vehicle license tags by mail, nor shall it be construed to require the county governing body to approve the issuance of motor vehicle license tags by mail.

Section 8. The provisions of this act are cumulative and shall not repeal any special or local law in conflict herewith.

Section 9. Any delay in issuing motor vehicle license tags by mail under the provisions of this act shall be deemed to be the delay of the applicant.

Section 10. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 833

S. 567—Shelby

AN ACT

To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest. And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in all counties in this State having populations of not less than 115,000 nor more than 150,000 according to the most recent Federal Decennial census.

Section 2. a. Release in noncapital cases prior to trial.

Any person charged with an offense, other than a capital offense, may, by any judicial officer as hereinafter defined, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines that such a release will not reasonably assure the appearance of the person as required or the safety of any person or the community.

If such a determination is made, the judicial officer may either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or the safety of any other person or the community or, if no single condition gives that assurance, any combination of the following conditions:

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, in the sum of 10 per centum of the amount of the bond, or such other amount as ordered by the judicial officer, such deposit to be returned upon performance of the conditions of release. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds that are imposed as a condition of release;

(4) impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.

b. Release after conviction. — A person (a) who has been convicted of an offense for which the maximum punishment does not exceed ten years and is awaiting sentence, or (b) who has been convicted of an offense and sentenced for a term of confinement or imprisonment for a term of less than ten years and has filed an appeal or petition for writ of certiorari, may be treated in accordance with the provisions of sub-section a.

c. Determination of conditions of release. In determining which conditions of release will reasonably assure the appearance of a person as required and the safety of any other

person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear in court proceedings.

d. Order of release. — A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall advise such person that a warrant for his arrest will be issued immediately upon any violations of the conditions of his release.

e. Release after commitment. — If an accused has been committed to jail for failure to meet a condition imposed under Section 1.a., and he is able to meet the condition, it is the duty of the person having custody of the accused to discharge the accused. This section shall not have effect to prevent application for bail or for reduction of bail in any other manner provided by law.

f. Additional conditions. — A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release.

g. Delivery of warrant. — The judicial officer who has taken action under the provisions of this section must certify the same upon the warrant, and delivery such warrant to the officer who executed the warrant, who must cause the same to be delivered without unnecessary delay, to the clerk of the court in which the accused is required to appear.

h. Sanctions for violation of release conditions. —

(1) A person who has been conditionally released pursuant to sub-section a. and who has violated a condition of release shall be subject to revocation of release.

(2) Proceedings for revocation of release may be initiated on motion of the district attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and the person shall be brought before a judicial officer in the jurisdiction in which he is arrested. He shall then be transferred to the jurisdiction in which his arrest was ordered for proceedings in accordance with this section.

(3) Any person who is released on a personal recognizance or upon the execution of an unsecured appearance bond, is subject to having said release revoked by the Court. The Court is not required to have a hearing in order to revoke the release. Any person released on personal recognizance or by the execution of an unsecured appearance bond and whose release. Any person released on personal recognizance or by make a bond under the other provisions of this Act.

i. Contempt. Nothing in this Act shall interfere with or prevent the exercise by any court of Alabama of its power to punish for contempt.

j. Judicial Officer. As used in and with regard to the provisions of this act the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in this state, any probate judge in this state, any county court judge or district court judge created in lieu thereof, any magistrate or equivalent thereof in this state, or any city recorder or equivalent thereof in this state.

k. Evidence. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

l. Forfeiture. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

m. Investigations for Court. It shall be the duty of all probation officers of the State of Alabama to make such investigations for the court as requested by the court for the purpose of aiding the court in its determinations concerning prescribed conditions of release; the court, however, may also utilize any other personnel available to the court to make such investigations.

n. Section cumulative. — The procedures prescribed in this section shall be cumulative and in addition to all other bail and release procedures provided by law.

Section 3. Continuation of Release.—Bail or release or the imposition of conditions on release shall continue to apply if the case of the accused is transferred to another court or another jurisdiction in Alabama, or if the case is transferred to another trial court on appeal or petition for writ of certiorari subject to the provisions of Code of Alabama 1940, Title 15, Section 206, and provided that the court before which the defendant is bound to appear may at any time amend such

release under Section 2.a. of this act to impose additional or different conditions of release.

Section 4. Notice.—Upon the release of a person on bail or recognizance such person shall be given notice in writing of the time, date and place to appear for the trial or other hearing of the offense charged; or if no time or date has been set for trial or other hearing at the time of such release, then the clerk shall get from the defendant his address, and when a date and time for trial or other hearing has been set, notice thereof shall be given the defendant by depositing in the United States mail a notice of such date and time in an envelope, addressed to said defendant at the address so obtained, postage prepaid and proof of such mailing shall be *prima facie* evidence that defendant was notified of the date and time of any such trial or other hearing. The notice shall have written or printed thereon, in a prominent place and in a legible manner, the penalty for a willful failure to appear as provided in Section 6 of this act.

Section 5. Term of Imprisonment.—a. Credit for incarceration prior to conviction. — The sentence of any person convicted of an offense shall run from the date of commencement of sentence; however upon proof being shown the sentencing court by the defendant and his council at the time of sentence of the time spent incarcerated while awaiting trial for the aforesaid offense, the sentencing court shall order such time credited to the service of the defendant's sentence.

b. Method exclusive. No sentence shall prescribe any other method of computing the term.

Section 6. Penalties for failure to appear. a. After release on bail or recognizance or prior to commencement of sentence. Whoever, having been released on bail or recognizance or prior to commencement of sentence, willfully fails to appear before any court or judicial officer as required, shall incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or commencement of sentence or pending appeal or certiorari after conviction of any offense, be fined not more than \$5,000 or imprisoned for not more than five years, or fined the maximum amount and sentenced to the maximum term of imprisonment prescribed by law for the felony with which he is charged, whichever is less; or he may be both so fined and imprisoned, or (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor or imprisoned for not more than six months, or both.

b. After notice of appearance date. Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether the failure to appear was requisite to conviction under this section.

c. Actual notice of appearance date not prerequisite. This section applies to a defendant even if he has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

Section 7. Prisoners entitled to opportunity to give bail.—All judges shall take care that every prisoner in jail shall have an opportunity to give bail, in cases in which the prisoner is entitled to bail, and may approve any bond presented to him at any time, which in his judgment is reasonably good.

Section 8. Bail not in open court; forms and requisites of. — When not taken in open court, the undertaking of bail must be in writing, signed by the defendant, and at least one sufficient surety and approved by the magistrate or officer taking the same; and may be substantially in the following form:

The State of Alabama
..... County

We, A. B., and C. D. agree to
pay to the State of Alabama
..... dollars

(the sum prescribed by the magistrate or officer) unless the said A. B. appears at the next session of the court of county, and from session to session thereafter until discharged by law, to answer a criminal prosecution for the offense of (specifying the particular offense with which he is charged).

(signed A. B.
C. D.

Section 9. Qualifications of bail.—The qualifications of bail are, that each must be sufficiently solvent in the amount expressed in the undertaking; but the court, magistrate, or officer in taking bail may allow more than one person to justify severally as bail in amounts less than that expressed in the undertaking, provided the whole be equivalent to one sufficient bail; or the court, magistrate, or officer, in taking bail, in lieu of the foregoing, may allow a corporation, foreign or domestic, qualified to do a bonding business in this state, and authorized to execute the undertaking of bail, to execute such bail. Every person engaged in the business of making bail bonds and charging therefor, except corporations qualified to do a bonding business in this state, in addition to all other requirements of this

section, shall be required to furnish a bond with corporate surety in the amount of twenty-five thousand dollars to be approved by the probate judge of each county in which such person engages in such business, conditioned to guarantee the payment of all sums of money that may become due the state or any political subdivision thereof by virtue of any judgment absolute being rendered against said person on a forfeiture of bail. Only one such bond shall be required in each county where such person does business, and the liability of the surety company executing a bond hereunder shall not exceed the face amount of such surety bond provided, however, that the bond may be cancelled as to any future liability at any time by the surety giving thirty days written notice of such cancellation to the probate judge of the county in which the bond is filed.

Section 10. When bail not allowed.—A defendant (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is awaiting sentence, or (3) who has been convicted of an offense and sentenced for a term of confinement or imprisonment for a term not exceeding 20 years and has filed an appeal or petition for writ of certiorari, shall be subject to bail unless the court or magistrate has reason to believe that such bail will not reasonably assure that the defendant will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the defendant may not be admitted to bail.

Section 11. In case of felony judgment rendered and execution suspended pending appeal; bail on appeal. — When any question of law is reserved in case of a felony, and it shall be made known to the court that the defendant desires to take an appeal to the Supreme Court or to the Court of Criminal Appeals, judgment must be rendered against the defendant but execution thereof must be suspended pending the appeal. A defendant who has been convicted of an offense and sentenced to a term of confinement or imprisonment for a term exceeding twenty years but not exceeding thirty years and has filed such an appeal or a petition for a writ of certiorari, shall not be admitted to bail unless the court or magistrate finds that (1) the defendant is not likely to flee or pose a danger to any other person, the community or to the property of others, and (2) the appeal or petition for writ of certiorari raises a substantial question of law or fact, and such bail, if granted, shall be in a sum fixed by the judge with sufficient surety, conditioned upon defendant's appearance at the court from time to time thereafter as fixed by the Court, to abide such judgment as may be rendered on the appeal, and such surety may in cash or other security in the principal amount of bail fixed by the court. A defendant who has been convicted of an offense and sentenced to a term of confinement or imprisonment for a

term exceeding thirty years and has filed an appeal or a petition for a writ of certiorari, shall not be admitted to bail or release under any condition or circumstance, and execution of such sentence shall not be suspended pending appeal.

Section 12. Revocation of qualification of bail and bonding license. Any bail bondsman, professional surety or bail bonding company failing to satisfy a final judgment for the failure of a defendant to appear, in which said bail bondsman, professional surety or bail bonding company was a surety thereon, within thirty (30) days from the entry of said final judgment, shall thereafter suffer a revocation of its qualification to make further bail and of its bonding license. The bonds of such bail bondsman, professional surety or bail bonding company, after revocation under the terms of this section, shall not be accepted by any court, magistrate or officer authorized to take bail or accept bail bond. Said revocation under this section shall continue until such final judgment or judgments are satisfied.

Section 13. In any proceedings in which under laws applicable on the effective date of this act a bail or appearance bond may be required, the procedures for release hereinabove prescribed may be substituted for the required bond.

Section 14. Review of orders denying release on bond or otherwise under this act or from orders denying a reduction of bond or the removal of some condition of release shall be under the procedures prescribed for habeas corpus under Code of Alabama 1940, Title 15, Sections 1 et seq and the provisions for the reduction of bail provided by Code of Alabama 1940, Title 15, Section 189 or any other available remedial procedures; and on review thereof this act shall be liberally construed in order to effectuate its purpose and intent, which is that no person shall be unreasonably retained pending action of the court.

Section 15. Severability.—The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This act is supplement and shall be construed in *pari materia* which other laws prescribing release procedures. Nevertheless all laws or parts of laws which specifically conflict herewith as to counties to which this act applies are superceded or repealed.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 834

S. 624—Torbert, Little

AN ACT

To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Chambers County is hereby authorized and empowered to appropriate the sum of \$545.21 from any of the funds in the county treasury available for such purposes to Wilma M. Atkinson because of property damage sustained by her on October 8, 1973, when a county vehicle operated by county employees struck her automobile. This is a moral and equitable claim which the county is honor bound to pay and for which she has no legal right of action or legal recourse for recovery.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 835

S. 754—Owen

AN ACT

To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county," is hereby specifically repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 836

S. 794—McDonald (A)

AN ACT

Relating to the City of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The city board of education of Huntsville elected pursuant to law, shall meet annually on the first Monday in October and at such meeting, the board shall elect one of its members to serve as president and one to serve as vice-president and shall conduct other business as may properly come before the board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective on the first Monday in October 1976.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 837

S. 850—Torbert

AN ACT

To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association, chartered by the United States Government, whose principal place of business is in a city or town in a county in Georgia which is contiguous to Chambers County, Alabama, shall have the power to establish, maintain, and operate within that portion of Beat Thirteen of Chambers County, Alabama, as such beat is now defined for the purpose of holding elections, which lies south of the right-of-way of the Western Railway of Alabama as it

presently exists, one or more branches, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general savings and loan business, provided that such savings and loan association before the establishment of any such branch or branches, shall first secure the approval of the Federal Home Loan Bank Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 838

S. 891—Vacca, Ellis

AN ACT

Relating to taxation, to provide an exemption from Advalorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Be It Enacted by the Legislature of Alabama:

Section 1. Personal property manufactured, compounded or processed remaining the property of the manufacturer, compounder or processor, held for him by a licensed public warehouseman for distribution shall be exempted from advalorem taxation by the State of Alabama and the counties and municipalities of the state.

Section 2. A warehouseman holding personal property exempted by this Act shall keep records of the receipt and disposal of all such property which shall be open to inspection during business hours by any duly constituted official responsible for the administration of any Advalorem Tax Law. The license of any warehouseman who fails to keep the records required by this Act may be revoked by the Commissioner of Revenue after due notice and a hearing if requested by the warehouseman.

Section 3. The Commissioner of Revenue shall issue such

rules and regulations as he deems necessary or appropriate to the administration of this Act.

Section 4. This Act shall become effective on the first day of October next following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 839

S. 907—Shelby

AN ACT

To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the prorata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Section 2. There is hereby established a Public Defender Commission of said respective counties consisting of seven (7) members, each of whom shall be selected as set out below and shall serve for a term of one (1) year:

(a) During the term of their respective offices, the three (3) duly elected officers of the County Bar Association, selected at large by the Association.

(b) During the term of his office as such, the presiding Judge of the Judicial Circuit in each county under the provisions of this Act.

(c) Three (3) members of the respective County Bar Association, selected for a term of one (1) year, to be selected at the time of and in the manner of selecting officers of the County Bar Association, provided however, that the initial members of the Commission selected under the provisions of this paragraph, be selected by said Bar Association as soon after this Act becomes as is feasible and the term of office of these members so selected shall extend to December 31, 1975, and for one (1) year thereafter.

(d) In the event any vacancy in the Public Defender Commission shall occur, the members of the said Public Defender Commission shall, by a simple majority vote, select a replacement.

(e) Members of the Public Defender Commission shall serve without compensation as such but all reasonable expenses incurred by the Commission in the performance of its duties shall be paid or reimbursed on warrants drawn on the general fund of the county, or on a County Public Defender Fund as provided in Section 4 of this Act.

(f) The Chairman and the Secretary, respectively, of the Public Defender Commission of said respective County, shall be the duly elected President and the Secretary of the County Bar Association. The Commission shall have the power and authority to select the Public Defender; and within the limits of this Act:

(i) to fix his compensation;

(ii) to establish an annual budget for expenditures of the Public Defenders Office; and

(iii) to make and establish rules and regulations for the conduct and operation of the Commission and of the Public Defender Office.

Section 3. (a) The Commission by vote of a simple majority of its members shall select the Public Defender of said County, on the first Tuesday after the first Monday in November, 1975, and every four (4) years thereafter, with the initial four (4) year term beginning on January 1, 1976. Provided, however, that the initial Public Defender may be selected by the Commission as soon after this act becomes law as is feasible, said initial term to extend from the time of said selection through and including the aforesaid initial term of four (4) years.

(b) The Public Defender shall upon entering his duties take the oath of office as set forth in Section 279 of the Constitution of Alabama, 1901. He shall serve full time and his

duties shall be limited to representation of indigent defendants who are accused of criminal offenses where representation by law after a finding of indigency by the Court. After such finding of indigency, in the event of appointment by the Court, the Public Defender shall thereafter provide representation for such defendants in all matters pertaining to charges against defendants, including post conviction proceedings. The Public Defender may be appointed by any state, county, or municipal judge of any court in said respective County where appointment of legal counsel shall be required by law.

(c) The Public Defender may resign or be removed from office by a vote of five (5) members of the Commission on sixty (60) days written notice. Cause for such removal from office shall be willful neglect of duty, corruption in office, incompetency or intemperance in the use of intoxicating liquors or narcotics to such extent in view of the dignity of the office and importance of its duties as unfits the Public Defender for the discharge of said duties or any offense involving moral turpitude while in office, or committed under color thereof or connected therewith. The decision of the Commission to remove the Public Defender shall be final and there shall be no right of appeal therefrom. Any vacancies in the office of the Public Defender shall be filled by the Public Defender Commission.

Section 4, (a) There is hereby established in each county within the purview of this Act, a Public Defender Fund. Upon the effective date of this Act, the governing body of each such county shall appropriate to the Public Defender Fund from the general funds of the county, such sums as are necessary for the payment of salaries and operating expenses of the Public Defender Office as provided herein. A similar appropriation shall be made each year to supplement other sums paid into the Public Defender Fund, and such appropriation shall be in accordance with the budgeting procedures as provided in this Act.

(b) If any funds from any source be made available or offered to the Public Defender or his Assistants for the defense of any person for whom he has been appointed counsel, the same shall promptly be reported to the Court in which the case is pending: the Public Defender shall request the Court to make further determination as to the effect of such funds on the determination of indigency of the said Defendant. In the event that the Court shall find (a) that the Defendant is not an indigent, Section 6 below shall apply or (b) that the Defendant continues to be an indigent but that funds available should be accepted, such funds shall be paid directly to the respective counties for deposit in the Public Defender Fund.

(c) All funds received by or payable to the Public Defender or any Assistant Public Defender under the Provisions of Act No. 526, S. 362, approved September 16, 1963, as amended or supplemented, or pursuant to any other act or law now existing or hereafter enacted shall be paid to said respective county Public Defender Fund.

(d) In the event that any funds are received by the Public Defender, his Assistants or any other personnel in the Public Defender Office by bequests, contributions or donations, all such funds shall be paid to said respective county Public Defender Fund.

(e) Except as hereinabove provided, neither the Public Defender, nor any person employed by him in any capacity, including his Assistants, shall accept any money, funds, gifts or anything of value from any person whomsoever for any services rendered or to be rendered, pursuant to such employment in and by any Public Defender Office.

Section 5. The provisions of this Act shall not be construed as preventing the appointment of any licensed attorney who requests such appointment in indigent cases, and a roster of such attorneys shall be kept by the Circuit Court Clerk which shall be available for use by the Judges of such Court. Each attorney appointed in such cases shall be entitled to receive for his services the fee provided in Act No. 526, S. 362, approved September 16, 1963, as amended, or supplemented, or pursuant to any other act or law now existing, or hereafter enacted.

Section 6. In the event that, after the Public Defender has been appointed to represent a person accused of crime, it is determined by the Court in which the case is then pending that the Defendant is not then an indigent, or in the event the Defendant employs another attorney to defend him, the Court shall revoke the appointment of the Public Defender.

(a) After being appointed to represent a person found to be indigent, the Public Defender is hereby authorized and directed to continue his investigation of indigency of said Defendant and his access to other funds and shall render a written report to the Court after such appointment if any substantial appreciation in Defendant's financial status occurs or upon completion of all facets of the case to which the Public Defender has been appointed.

(b) Neither the Public Defender, nor any person in the employ of the Public Defender Offices, including his Assistants, shall suggest or recommend an attorney-at-law, by name or otherwise, to any person for any purpose at any time.

Section 7. The Public Defender for said respective coun-

ties, shall be paid at an annual rate of not less than EIGHTEEN THOUSAND DOLLARS (\$18,000.00) and not more than an amount equal to the total compensation paid to the District Attorney of the Judicial Circuit in which said county is located including both state and county compensation and allowances. Said compensation shall be paid in equal monthly installments from the Public Defender Fund of said county.

Section 8. Within the limits of this act and subject to the approval of the Public Defender Commission the Public Defender may appoint personnel as stated below and fix their compensation. Each shall serve at the pleasure of the Public Defender and be compensated as follows:

(a) Assistant Public Defenders shall serve full time and shall be paid at an annual rate not exceeding TWENTY-ONE THOUSAND DOLLARS (\$21,000.00) payable in equal monthly installments by said respective county, from the Public Defender Fund. Provided, however, that no person shall be appointed to the position of an Assistant Public Defender, until the need for the same shall be determined by the Commission and authorized by the Commission.

(b) Such secretarial, stenographic and clerical assistants as deemed necessary, each to be compensated at a rate not exceeding the sum of TEN THOUSAND DOLLARS (\$10,000.00) annually and shall be paid in equal monthly installments by said respective county from the Public Defender Fund.

(c) One or more investigators or other legal assistants to serve full time and each to be paid at an annual rate not exceeding TEN THOUSAND DOLLARS (\$10,000.00) payable in equal monthly installments by said respective county, from the Public Defender Fund. Provided, however, that no person shall be appointed to the position of investigator or legal assistant until the need for the same shall be determined by the Commission and authorized by the Commission.

(d) The provisions of any existing merit system or civil service law shall not be applicable to such personnel, so appointed, and the provisions of any law, local or general, in conflict with any of the provisions of this section are repealed.

Section 9. The expenses of operating the office of the Public Defender, including space rental, furniture purchase or rental, equipment, supplies, typewriters, telephone, library, and other items that are reasonably necessary for the operation and maintenance of such an office are hereby authorized and may be budgeted and approved by the Public Defender Commission.

Section 10. In extraordinary cases, as determined by the Public Defender Commission, funds for expert witnesses, legal

exhibits, photographs, drawings and documents in connection with preparation and trial of criminal cases in which the Public Defender has been appointed may be authorized by the Commission. When any such funds for said purposes when deemed necessary are authorized, the same may be expended by the Public Defender, provided that he shall submit a written report and accounting of such expenditures, supported by appropriate vouchers, not less frequently than semi-annually to the said Commission. The Public Defender shall draw warrants on said respective counties' Public Defender Fund for any expenditures provided in this Act.

Section 11. In order to provide a special fund for the purposes set forth in this Act, there shall be taxed as costs the sum of FIVE DOLLARS (\$5.00) in each case or action in the Circuit Court of Tuscaloosa County, Alabama, including but not being limited to all Quasi-Civil Actions at Law, Suits in Equity, Criminal Cases, Quasi-Criminal Cases, proceedings on a Forfeited Bail Bond or proceedings on a Forfeited Bond hereafter given in connection with an appeal from a judgment or conviction of any County or Municipal Court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of said respective counties coming under the provisions of this Act, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and when collected shall be paid to said respective counties Public Defender Fund.

Section 12. There shall also be taxed as costs the sum of ONE DOLLAR (\$1.00) in each Civil Case and Criminal Case hereafter filed in the County Court of said respective counties, which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid to said respective counties' Public Defender Fund.

Section 13. There shall also be taxed as costs the sum of ONE DOLLAR (\$1.00) in each case hereafter filed in the Juvenile and Domestic Relations Court of said respective counties which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid to the county Public Defender Fund.

Section 14. There shall also be taxed as costs the sum of ONE DOLLAR (\$1.00) in each Criminal Case and Quasi-Criminal Case hereafter filed in all Municipal Courts in said counties coming under the provisions of this Act, with the exception of cases involving parking violations, which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid to the county Public Defender Fund.

Section 15. All sums herein provided to be paid to the county Public Defender Fund shall be kept by the Public Defender Commission in a separate account, and shall be expended for the purposes set forth in this Act. The Public Defender shall draw warrants on the county Public Defender Fund for expenditures by indicating on the warrants the purpose for which the warrants are drawn. Said fund shall be used to pay for proper and necessary operation of said Public Defenders Office as approved by said Public Defender Commission within the limits of this Act.

Section 16. At the end of each four (4) years after this Act is approved, the Public Defender Commission shall ascertain the total of the funds on hand in the Public Defender Fund as maintained by said respective county and if in the sound discretion of the Public Defender Commission said Funds constitute a surplus over and above the amount necessary for present and future operations of the Public Defender Office the Commission shall determine what amount is surplusage and may cause the Public Defender to refund to all or any of the contributing sources of the Public Defender Fund such amounts to all or any of said contributing sources which in the sound discretion of the Commission, it deems fair and equitable.

Section 17. In any sentence, clause provision or section of this Act be declared to be invalid, the invalidity thereof shall not affect the validity of any portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portions hereof.

Section 18. All laws or parts of laws which conflict with this Act are repealed and Act No. 1268, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) and all acts amendatory thereof are hereby specifically repealed.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 840

S. 1200—McDonald (S)

AN ACT

Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County shall provide the following enumerated allowances for the purposes of hiring clerks and assistances as follows:

Office of the tax assessor:	a maximum of \$13,050 annually
Office of the tax collector:	a maximum of \$12,400 annually
Office of the circuit clerk:	a maximum of \$22,200 annually

provided that in addition to the above clerk-hire allowances: the tax assessor and the tax collector shall each be allowed \$1,800 a year as expenses, which shall be in addition to any other expense allowances, salaries and compensation heretofore provided for them by law; and the circuit clerk shall receive an annual expense allowance of \$3,600 a year, which shall be in lieu of any and all travel and other expense allowances heretofore payable to the clerk. The expense allowances hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury.

Office of the Marshall County Commission:	a maximum of \$15,000 annually
Office of the register of the circuit court:	a maximum of \$ 9,200 annually.

Section 2. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 841

S. 1042—Owen

AN ACT

Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county is hereby amended to read as follows:

"Section 1. The governing body of Baldwin County shall be a commission of four members and shall be known as the Baldwin County Commission. It shall be a court of record. The members of such commission shall be designated commissioners. Baldwin County is hereby divided into four commissioners districts to be numbered 1, 2, 3 and 4 as follows:

"District No. 1 shall embrace all that part of Baldwin County Alabama, lying North of the following described line: Begin at the point where the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, touches the West edge of Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said township line to the Northeast corner of Section 1, Township 4 South, Range 3 East; run South one mile; run West a little more than four miles to the point where said line intersects Fish River in Section 5, Township 4 South, Range 3 East; run Northerly along said river to the point where the same runs under Alabama Highway #59; run North along the East edge of said highway to the point where this road intersects Highway #31; run Southerly along Highway #31 to the point where Highway #31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the same flows into Bay Minette; follow the meanders of Bay Minette on the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of the Mobile County line which is the point of ending; said line at this point is on the Mobile River.

District No. 2 shall embrace that area of Baldwin County lying South and West of the following described line: Begin at Fish River point, said point being on the Westerly edge of Weeks Bay at the mouth thereof; follow the West edge of Weeks Bay in a Northerly direction to the point where Fish River flows into the same; thence Northerly along the West edge of Fish River to that point where said river flows under Highway #59; run North along the East edge of said highway to the point where this road intersects Highway #31; run South-

erly along Highway #31 to the point where Highway #31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the same flows into Bay Minette; follow the meanders of Bay Minette on the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of the Mobile County line, which is the point of ending; said line, at this point, is on the Mobile River.

District No. 3 shall embrace all that part of Baldwin County, Alabama, encompassed by the following line: Begin at the point on the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, where the same intersects Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said line to the Northeast corner of Section 1, Township 4 South, Range 3 East, run South one mile; West a little more than four miles to the point where this line intersects the East edge of Fish River; run Southerly following the meanders of Fish River to that point where said river intersects the South edge of Section 6, Township 7 South, Range 3 East; run East along Baldwin County Highway #28 to the point where the same intersects Highway #59; run in a Southeasterly direction along Highway #59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North $1\frac{1}{2}$ miles to Baldwin County Highway #32 which is located at this point on the line dividing Townships 6 South and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of said creek to the point where the same flows into Blackwater River; follow the meanders of Blackwater River to that point where the same flows into Perdido River, which is located on the Alabama-Florida State Line; run up Perdido River along the Alabama-Florida State Line to the point of beginning.

District No. 4 shall embrace that part of Baldwin County lying South and East of the following described line: Begin at Fish River Point which is at the mouth of and on the Westerly edge of Weeks Bay; follow the meanders of Weeks Bay in a Northerly direction to that point where Fish River flows into the same; run Northerly along the West bank of Fish River to the point where the same intersects the South line of Section 6, Township 7 South, Range 3 East; run East along

Baldwin County Highway #28 to the point where the same intersects Highway #59; run in a Southeasterly direction along Highway #59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North $1\frac{1}{2}$ miles to Baldwin County Highway #32 which is located at this point on the line dividing Townships 6 South and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of Three Mile Creek to the point where the same flows into Blackwater River; follow the meanders of Blackwater River to that point where the same flows into Perdido River which is located on the Alabama-Florida State Line.

One member of this commission shall reside in each of the districts; provided that temporary residence at the county seat or in any part of the county during his term of office for convenience in the discharging of his duties as a member of the commission shall not disqualify a commissioner from holding his office and shall not be construed to charge his place of residence so as to disqualify him as a candidate for re-election. The commissioners shall be residents and qualified electors of Baldwin County.

The commissioners who were elected in 1972 from Districts One and Three, as such districts were described in Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100) shall serve out the terms for which they were elected as commissioners from Districts One and Three as such districts are herein described. Successors to commissioners from District One and Three, as such districts are herein described, shall be elected in November, 1976, for terms of four years each and each fourth year thereafter. The commissioners from Districts Two and Four, such districts are herein described, shall be elected in November, 1978, for terms of four years each and each fourth year thereafter. The terms of all commissioners shall commence on the first day of January next following their election and qualifying and shall terminate on the 31st day of December each fourth year thereafter. Upon commencing upon their duties, each of the said commissioners shall subscribe to the oath prescribed by the general law for members of governing bodies."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 842

S. 1066—Fine

AN ACT

To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census the Register of the Circuit Court is hereby authorized and empowered to appoint a clerk to assist her in the performance of her duties. Such clerk as is appointed under the provisions of this Act shall serve at the pleasure of the officer making such appointment.

Section 2. Such clerk as is appointed under the provisions of this Act shall be paid a salary of not less than \$3600 per year which shall be paid in equal installments on the first and fifteenth of each month out of the general fund of such counties.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 843

S. 1077—Little, Torbert

AN ACT

To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act and for future election of members to the county board of education of Chambers County, said county is hereby divided into two districts, to be numbered one and two. The two school districts shall coincide with the existing tax districts 1 and 2. District 1 shall be composed of Beats 7 and 13 less the city of Lanett.

District 1 shall have three (3) places on the board of education. The three places shall be designated as Place 1, Place 2, and Place 3 and a member shall be elected to each place. District 2 shall be the remainder of the county. It shall have

two (2) places on the board of education which shall be designated Place 4 and Place 5 and a member shall be elected to each place.

Section 2. After this act takes effect, a member of the board of education of Chambers County shall be nominated and elected for each of the places of the two school districts of the county, by the qualified electors of the county at large, at the next regular or special election held in the county. At said general election members shall be elected as follows: A member for Place 1, District 1 and a member for Place 4, District 2 shall be elected for a term of two years; a member for Place 2, District 1 and a member for Place 5, District 2 shall be elected for a term of four years; and a member for Place 3, District 1 shall be elected for a six year term. Upon the expiration of the terms of office of members elected in said general election as provided by this section, the term of their successors shall be six years as provided by the laws of this state for school board members.

Section 3. Members of the school board elected under the provisions of Section 2 of this act shall take office at the first meeting of the Chambers County Board of Education following their election.

Section 4. Members of the school board who are presently serving shall remain in office until their successors are elected and qualified as provided in Section 2 of this act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 844

S. 1142—Fine

AN ACT

Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

Be It Enacted by the Legislature of Alabama:

Section 1. All counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census shall be entitled to collect a solicitor's fee in all appropriate cases in the county court whether or not the district attorney is present at the hearing of such case.

Section 2. All laws or parts of laws, general, local or special which conflict with the provisions of this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 845

S. 1143—Fine

AN ACT

Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of all counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971.

Approved October 7, 1975.

Time: 3:45 P.M.

AN ACT

Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the thirty-fourth judicial circuit is hereby authorized and empowered to appoint and prescribe the duties of a secretarial assistant and an investigator, who shall both serve at the pleasure of said district attorney.

Section 2. The compensation of the secretarial assistant authorized herein shall be fixed by said district attorney at a sum not exceeding \$450.00 per month, and the compensation of the investigator authorized herein shall be fixed by said district attorney at a sum not exceeding \$750.00 per month; and said investigator shall be furnished an automobile and other equipment necessary for the performance of investigative duties.

Section 3. Provided that if federal funding is available upon enactment of this act, such federal funding shall be used to pay the compensation of the secretarial assistant and of the investigator provided herein in Section 2; and shall be used to pay for the automobile and other equipment provided for said investigator in this act. In the event that federal funding is not available upon enactment of this act; or if such federal funding is available and thereafter exhausted or otherwise unavailable then the county located in said circuit shall provide funding for the compensation, equipment, and automobile provided herein in Section 2 of this act.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 847

S. 1170—Waldrop

AN ACT

Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census.

Section 2. City boards of education in all such cities are hereby authorized to borrow against revenues derived from the sale of malt or brewed beverages, for capital outlay purposes, within the city system.

Section 3. All loans secured under this act shall be secured by the board of education. All loans shall be limited to an amount, whereby all interest and principal shall be paid back within fifteen years from the date the loan was made.

Section 4. In the event any such city board of education, at any future time, should no longer have available to its revenues derived from the sale of malt or brewed beverages, any outstanding indebtedness as the result of unpaid loans secured under this act shall be paid from any future capital outlay money that would have normally gone to that district on a per-pupil basis, until such debt is paid.

Section 5. Capital outlay as stated in this act shall mean it is an expenditure for land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, remodeling of buildings or initial or additional equipment.

Section 6. All laws or parts of laws in conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon it being signed by the Governor or it otherwise becoming law.

Approved October 7, 1975.

Time: 3:45 P.M.

AN ACT

To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15 and 21 of Act No. 324, H. 784, Regular Session of 1965 (Acts Regular Session 1965, p. 443), which establishes a merit system for the City of Decatur, are hereby amended to read as follows:

“Section 15. Absences; Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacations, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office in Morgan County.

“Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of an employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any public office in Morgan County or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any

person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person, including but not limited to persons holding a position in the classified service (irrespective of whether or not such persons holding a position in the classified service have or have not theretofore been disciplined therefor as hereinbefore provided) who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 849

S. 1189—Edwards

AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Flint in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract 1: All that part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 17, Township 6 South, Range 4 West and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 20, Township 6 South, Range 4 West; lying East of U. S. Highway No. 31.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 850

S. 1190—McDonald (S)

AN ACT

To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 851

S. 1191—McDonald (S)

AN ACT

Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The directors or other governing authority of any savings and loan association located within Marshall County, whether such association be chartered under an act of congress or state law, are hereby authorized and empowered to open, establish, operate and maintain a branch office or offices anywhere within such county, and may engage in such business at such branch office or offices as said association is permitted to do by its charter or bylaws.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 852

S. 1192—McDonald (S)

AN ACT

To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 853

S. 1193—McDonald (S)

AN ACT

Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any person, whose net worth is more than \$25,000 who wishes to become a professional Bail Bondsman may do so in the manner hereinafter prescribed. He shall file a list of his assets and liabilities with the sheriff of the county and request a certificate from the sheriff stating his net worth. Upon presenting the certificate of the sheriff, showing the person's net worth is over \$25,000 and the payment of a license fee of \$75.50 to the probate judge of the county such person shall have issued to him a professional Bail Bondsman's license. The above fee shall be distributed as follows: \$50.00 of each such bondsman's license fee shall be paid to the general fund of the State of Alabama; \$25.00 of such fees shall be paid into the general fund of Marshall County; and the probate judge shall be entitled to the remaining 50 cents for an issuance fee.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 854

S. 1194—McDonald (S)

AN ACT

To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof, are hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 855

S. 1195—McDonald (S)

AN ACT

To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 856

S. 1196—McDonald (S)

AN ACT

Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is authorize to expend funds from the general fund of the county to provide office space, equipment, supplies and clerical assistance for the board of registrars.

Section 2. Said board of registrars shall employ the persons for clerical work but the compensation of such persons will be set by the county governing body.

Section 3. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 857

S. 1197—McDonald (S)

AN ACT

To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 858

S. 365—Stewart

AN ACT

To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be resubmitted within two years after any other election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according

to the most recent federal decennial census is hereby amended to read as follows:

“Article X. Abandonment of Council-Manager Form of Government.

“Section 10.1 Abandonment of the Council-Manager plan. — No city may change from the council-manager form of government within two years after the adoption thereof. At the end of such period, or at any time thereafter, the City may change its form of municipal government in the manner provided by law, provided that no election on the abandonment of the council-manager form of government shall be held within two years after any other election thereon.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 859

S. 410—Foshee

AN ACT

To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

Be It Enacted by the Legislature of Alabama:

The Circuit Judges of the Twentieth Judicial Circuit in this State shall receive an expense allowance, for the purpose of defraying expenses in the performance of their official duties, in the amount of \$1200.00 per annum to be paid by the counties composing such circuit. The allowance herein provided for shall be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessor's offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property with such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the State by way of salary to said judges and also any allowances now authorized by law.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 860

S. 905—Gilmore, Vacca, Pearson, McMillan,
Clemon

AN ACT

To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census.

Section 2. As used herein, the following terms have the meanings hereby accorded them: "the county" means any county subject to this Act; "property" means personal property; "contraband property" means any property the possession or transportation of which is prohibited by law or which is subject to seizure by the county or by any county officer under this Act or under any other law; "the ordinance" means an ordinance adopted by the county pursuant to this Act.

Section 3. Subject to the limitation stated in the sentence next following, the county is hereby authorized to provide by ordinance for the taking up and storing of abandoned, stolen or contraband property found within the county and to sell the same in the manner provided for in said ordinance. Such ordinance shall not apply to abandoned, stolen or contraband property which is in the possession of any municipality within the county or of the officers of such municipality.

Section 4. The ordinance shall contain the following: (a) a statement of the circumstances which shall constitute grounds for seizing abandoned, stolen or contraband property; (b) a statement as to what officer, or officers, shall be authorized to seize abandoned, stolen or contraband property; (c) provisions for the storage and sale of property seized under the ordinance;

(d) provisions stating the conditions on which the owner of the property may redeem the property at any time prior to its sale by paying any reasonable expense the country incurs in taking the property in charge and in maintaining and storing the property and publishing any notices the publication of which the ordinance requires; (e) provisions for the disposition of the proceeds realized from the sale of any such property, which provisions may authorize the county to deduct from such proceeds all expenses incurred in taking up, storing, maintaining and selling the property.

Section 5. The ordinance may provide that if the property seized under the ordinance is perishable, the same may be sold without notice.

Section 6. No ordinance adopted under this Act shall be effective until the same has been published once in a newspaper of general circulation in the county. Upon such ordinance being published, the ordinance shall become effective.

Section 7. To the end of vesting the governing body of the county with the power to adopt an ordinance which will effectively provide for the seizure, storage and sale of abandoned, stolen or contraband property, there is hereby delegated to such governing body the full and unlimited power the State of Alabama possesses to adopt a law regulating the seizure, storage and sale of abandoned, stolen or contraband property.

Section 8. If any clause or provision of this Act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 861

S. 967—Mims

AN ACT

To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval

of this Act the boundary lines of the Town of Flomaton, Escambia County, Alabama are altered and rearranged so as to include within the corporate limits of said Town, in addition to the territory included within its present corporate limits, the territory described as follows:

Commence at the Northwest Corner of Section 26, Township 1 North, Range 8 East; thence run East to the West line of the L & N Railroad right of way; thence run Southwesterly along West line of said L & N Railroad right of way to existing Town limit line; thence West to the West line of said Section, Township and Range; thence North of the point of beginning.

Commence at the Southwest Corner of Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 28, Township 1 North, Range 8 East; thence run North 3000 feet for a point of beginning; thence continue North 960 feet, more or less to the Northwest Corner of Southeast Quarter of Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$); thence run East to the Northeast Corner of the Southeast Quarter of Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$); thence South 960 feet, more or less to existing town limit line; thence West to the point of beginning.

Section 2. That this Act shall go into effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 862

S. 988—Wilson

AN ACT

Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes heretofore levied, there is hereby levied a 4 mill ad valorem tax on all property subject to ad valorem levy in Walker County, Alabama to be paid to and disbursed by the Walker County Board of Education in accordance with the Constitution of the State of Alabama of 1901 and Amendment No. 204 thereof.

(a) The funds recoverable and derived from said act payable to the Walker County Board of Education shall be used to fund a capital outlay program to repair or replace school buildings as follows: Bankhead Elementary, Boldo, Nauvoo, Parrish Elementary, Redmill, Tach, Union Chappell, Dora, and Sumiton.

(b) To relieve severely over crowded classroom space or add additional classroom space.

(c) For such other purposes as the Walker County Board of Education may from time to time declare.

Section 2. The funds derived from the above levy payable to the Jasper City School System and the Carbon Hill City School System may be used by those respective systems as the Boards of Education of each system may determine.

Section 3. The provisions of this act shall not take effect until the same have been approved and ratified by the voters of Walker County, Alabama, at an election to be called in compliance with the Constitution and the Laws of the State of Alabama.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The act shall become effective upon its ratification as provided herein.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 863 S. 441—Bank, Ellis, St. John, Jones, Wilson,
Shelby, McDonald (A); Mims, Vaçca
AN ACT

To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of Terms. As used in this Act, the following words and phrases shall have the following meanings respectively unless the context clearly indicates the contrary:

“Fund” means the Alabama Firefighters Personnel Standards and Education Fund provided for in Section 9 of this Act.

“Commission” means the Alabama Firefighters Personnel Standards and Education Commission established by this Act.

“Firefighting Agency” means and includes the agency of each incorporated city or town, charge with the responsibility of detecting, combating, and preventing damage to property and lives by fires.

“Firefighting Personnel” means and includes the paid employees of each municipal firefighting agency who are engaged in the primary function of said agency and does not include purely clerical, janitorial, or maintenance employees.

“State” means the State of Alabama.

Section 2. The Commission Created; Membership. The Alabama Firefighters Personnel Standards and Education Commission is hereby created. The Commission shall consist of seven members, each of whom must be a qualified elector of the State who is over the age of 18 years. The Professional Firefighters Association of Alabama shall designate one member of the Commission to serve for a term of four years; the Alabama Firemans Association shall designate one member to serve for a term of four years; the State Fire Marshall or his designate shall serve as a member; and the Governor shall designate four members of the Commission. The members appointed by the Governor shall each serve for terms of four years; provided that the members first appointed by the Governor shall serve for terms of one, two, three and four years, respectively, as the Governor shall designate. The members may adopt by-laws to govern the organization of the Commission, its meetings and activities provided that the by-laws shall not conflict with this Act.

Section 3. Officers and Employees of the Commission. The Commission shall elect a Chairman and a Vice Chairman from among its members at its first meeting and thereafter at its first meeting following the appointment of a new member. The Commission may employ an Executive Secretary and such clerical assistants as its functions and duties may require, subject to the provisions of the State Merit System Act.

Section 4. Meetings of the Commission; Seal; Quorum. The Commission shall meet in regular session quarterly at a

time and place in the State of Alabama to be designated in its by-laws. Special meetings may be called by the Chairman, the Vice Chairman or any three members by giving notice of the time, place and purposes of such special meeting at least five days before it is to be held, to each member of the Commission. Such notice may be waived by all members of the Commission, either before or after a special meeting. The Commission shall adopt an official seal and the Executive Secretary shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the Commission and to certified copies of proceedings of the Commission. A quorum of the members shall be five. The governor shall summon the Commission to its first meeting.

Section 5. Functions and Duties of the Commission. The Commission shall have the following functions and duties together with all powers necessary or convenient for the performance thereof:

(a) To study, obtain data, statistics, and information and make reports concerning the recruitment, selection and training of firefighting personnel in the State; to make recommendations for improvement in methods of recruitment, selection and training of such personnel;

(b) To review from time to time the minimum standards hereinafter described for applicants for and appointees as firefighting personnel;

(c) To consider, hold public hearings on, adopt and promulgate such standards relating to the physical, mental and moral fitness of any applicant for or appointee as a firefighter as do not lower the minimum standards hereinafter in Section 8 provided or as otherwise permitted by Section 8 of this Act;

(d) To study, consider, and to make reports from time to time concerning the work and curriculum of, and the courses offered by, firefighting training schools in the State and shall make recommendations for improving such schools, curricula, and courses;

(e) To encourage the establishment of firefighting training schools and courses on firefighting in existing institutions of learning;

(f) To gather statistics and data and make reports concerning the activities of the firefighting agencies in the State and their accomplishments;

(g) To certify firefighting training and education programs as having attained the minimum required standards suggested by such commission;

(h) To certify instructors as having qualified as fire department instructors under such conditions as the commission may prescribe;

(i) To direct research in the field of fire fighting and prevention and to accept gifts and grants for such purposes;

(j) To recommend curricula for advanced courses and seminars in fire science and fire engineering training in colleges and institutions of higher education;

(k) To consider, study, and make recommendations concerning methods of improving the organization and operation of firefighting agencies in the State and cooperative arrangements and agreements which might be effected between such agencies;

(l) To make investigation to determine whether the requirements of this Act and the rules, regulations and standards of the Commission issued pursuant to this Act are being observed and followed;

(m) To recommend to the Attorney General, the District Attorneys and other appropriate officials measures for the enforcement of the requirements of this Act and the rules, regulations and standards issued by the Commission pursuant to this Act;

(n) To enter into cooperative agreements with State and local firefighting agencies for the effective coordination of firefighting work in the State; and

(o) To obtain the services and advice of experts in the field of firefighting for the purpose of aiding the Commission in its studies, consideration, reports and recommendations, and the adoption of standards, rules and regulations.

Section 6. Regulations and by-laws; publication of. Regulations proposed by the Commission shall, before becoming effective, be distributed to each firefighting agency, the Professional Firefighters Association of Alabama, the Alabama Firemans' Association, and such other organizations of firefighting personnel as may be formed or organized from time to time. Such agencies and organizations shall be given a period of at least 45 days to comment upon such regulations before their final adoption by the Commission. All by-laws of the Commission and its regulations shall be kept current and shall be available to the public at all times.

Section 7. Minimum Standards. The minimum standards hereafter in this section provided shall apply to applicants and appointees as firefighting personnel who are not firefighters in the State on the effective date of this Act and to applicants

and appointees who, though firefighters on the effective date of this Act, cease to be such before making application for employment as a firefighter or being employed as a firefighter. No city or town shall employ any such applicant who is not on the effective date of this Act a firefighter and who continues until the date of his application as a firefighter unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifications:

(a) Age. The applicant shall be not less than 19 nor more than 35 years of age at the time of appointment; provided, however, that for the purpose of calculating his age under this Act, the time spent by any applicant on active duty in the Armed Forces of the United States of America, not exceeding four years, shall be subtracted from the actual age of such applicant who has attained the age of 39 years.

(b) Education. The applicant shall be a graduate of a high school accredited with or approved by the State Department of Education or shall be the holder of a certificate of high school equivalency issued by General Educational Development.

(c) Training. Prior to appointment, the applicant shall have completed at least 240 hours of formal firefighting training in a recognized training school, approved by the Commission; provided, that an applicant may be provisionally appointed without having completed the training herein prescribed subject to the condition that he shall complete such training within 90 days after provisional appointment and should he fail to complete such training, his appointment shall be null and void.

(d) Physical Qualifications. The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weigh not less than 150 pounds nor more than 300 pounds and shall be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of his duties as a firefighter. The Commission may for good cause shown permit variances from the physical qualifications prescribed in this subsection (d).

(e) Character. The applicant shall be a person of good moral character and reputation. His application shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three qualified voters of the area in which the applicant proposes to serve as a firefighter attesting his good reputation.

The foregoing requirements shall not apply to any person who is presently employed as a firefighter in the State and who continues to be so employed when he makes application for or is employed as a firefighter in a different capacity or for a different employer.

Section 8. Penalties. Any person who shall appoint any applicant who, to the knowledge of the appointor, fails to meet the qualifications as a firefighter provided in Section 8 of this Act, or the standards, rules and regulations issued by the Commission under this Act, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a firefighter provided in Section 8 of this Act, or any standard, rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$1,000.

Section 9. The Fund; Acceptance of Grants and Appropriations. There is hereby established and created in the Treasury of the State the Alabama Firefighters Personnel Standards and Education Fund. The Commission may accept grants from the Federal government, its departments and agencies as well as grants and appropriations by the State, any county or municipality, or any individual, corporation or fund. All grants and appropriations to the State for work within the functions and duties of the Commission and all grants and appropriations to the Commission shall be paid into the Fund.

Section 10. Municipalities and Counties Authorized to Make Appropriations and Grants to the Fund. The governing body of each incorporated city or town and the governing body of each county of the State is hereby authorized to appropriate any funds not otherwise appropriated to or for the benefit of the Commission and its work. All such appropriations shall be paid into the Fund.

Section 11. Firefighting Agencies Authorized to Make Agreements. Each firefighting agency in the State is hereby authorized to make agreements and arrangements for cooperation and mutual assistance in firefighting work, with the Commission and with each other.

Section 12. Powers and Duties of Municipal Governments. Except as expressly provided in this Act, nothing herein contained shall be deemed to limit the powers, rights, duties and responsibilities of municipal governments, nor to affect other laws now in effect.

Section 13. Severability Provisions. The provisions of this Act are severable. If any clause, provision or section is de-

clared invalid or unenforceable, such declaration shall not affect the remaining portions of this Act.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 864

S. 881—McDonald (S), Baker

AN ACT

To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

Be It Enacted by the Legislature of Alabama:

Section 1. No position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year. The intent of this Act is to prohibit lame duck appointments and to preserve the right of an incoming commission to appoint members of boards and agencies.

Section 2. No appointees serving on the effective date of this Act shall be affected by this Act. It is the intent of the legislature that appointees serving at the time of passage of this law continue to serve in their positions.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 865

S. 1152—Stewart

AN ACT

To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 95,000 nor than 115,000 inhabitants according to the most recent federal decennial census.

Section 2. The county commission of such counties is hereby authorized to make appropriate expenditures from the county general fund for the purpose of promoting and participating in the bi-centennial celebration.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 866

H.J.R. 370—Plaster

HOUSE JOINT RESOLUTION

WHEREAS many of America's leading historic forts, battle sites, roads, and trails are located within the State of Alabama; and

WHEREAS several of Alabama's Indian trade and treaty and military transportation landmarks are National Historic Landmarks and numerous others are recorded in the National Register of Historic Landmarks; and

WHEREAS historic forts and landmark roads are tourist meccas with scenic and recreational appeal to Alabama adults and our youth as well as hundreds of thousands of visitors from out of state; and

WHEREAS much is yet to be done by both the public and private sectors to register, excavate, restore, preserve, and develop these significant landmarks.

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, To create the State Fort and Historic Trail Council, to work with the Alabama Historical Commission to preserve military and

trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

The Council shall be composed of thirteen members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, and the Creek Indian Nation of Alabama. Two members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

The Council shall meet as a body no more than twice a year and shall counsel the State of Alabama regarding the development of the state's historic forts, roads and trails and natural landmarks.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 867

H.J.R. 376—McCluskey

HOUSE JOINT RESOLUTION

THANKING THE UNIVERSITY OF ALABAMA CENTER FOR BUSINESS AND ECONOMIC RESEARCH, THE ALABAMA LEAGUE OF MUNICIPALITIES, THE ALABAMA DEVELOPMENT OFFICE, AND THE ALABAMA STATE CHAMBER OF COMMERCE FOR RESEARCH STUDY ON CHARACTERISTICS OF HOUSE AND SENATE DISTRICTS

WHEREAS, the new reapportionment of the Alabama Legislature resulted in House and Senate Districts which cut across all traditional political boundary lines in this State; and

WHEREAS, the makeup of the new districts left Representatives and Senators without a reliable source of information on the economic, demographic and social characteristics of their own constituencies; and

WHEREAS, this unmet need was recognized in the Spring of 1975 by the Alabama League of Municipalities, which

recruited the assistance of the University of Alabama Center for Business and Economic Research, the Alabama Development Office, and the Alabama State Chamber of Commerce in conducting a research study to assemble and print the 1970 Federal Census statistics by legislative districts; and

WHEREAS, the development of the study necessitated a complete reprogramming of existing Census data, which The University of Alabama Center for Business and Economic Research spent considerable time and expense to complete; and

WHEREAS, the results of this study have now been presented to each Representative and Senator, providing them with extremely valuable information on the characteristics of their own districts; and

WHEREAS, the Legislative Reference Service has been presented with a complete set of the studies for all House and Senate Districts, representing 1,200 pages of statistics, so that members of the Legislature will have a source of comparative information on their respective districts;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express the thanks of each member of the House and Senate to the University of Alabama Center for Business and Economic Research, the Alabama League of Municipalities, the Alabama Development Office, and the Alabama State Chamber of Commerce for their initiative in perceiving the need for this invaluable data and for their efforts in assembling and producing the material for each House and Senate District.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 868

H. 784—Callahan

AN ACT

To apply only in Mobile County; providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be

served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instant. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940. It is further specifically provided that, if the party calling a witness expressly requests in writing that the subpoena be delivered to such witness personally by the sheriff or one of his deputies in person, such witness shall be so served.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 869

H. 1255—Quarles

AN ACT

Providing a whitecane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled person to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the policy of this State to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment.

Section 2. (a). The blind, the visually handicapped, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places;

(b) The blind, the visually handicapped, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons;

(c) Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in section 2 (b) without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damages done to the premises or facilities by such dog.

Section 3. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; provided that a totally or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in section 2, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

Section 4. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 2 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person under section 2 shall be guilty of a misdemeanor.

Section 5. Each year, the Governor shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation in which:

(a) he comments upon the significance of the white cane;

(b) he calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled;

(c) he reminds the citizens of the State of the policies with respect to the disabled herein declared and urges the citi-

zens to cooperate in giving effect to them;

(d) he emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

Section 6. It is the policy of this State that the blind, the visually handicapped, and the otherwise physically disabled shall be employed in the State Service, the service of the political subdivisions of the State, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

Section 7. (a). Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this State, subject to the conditions and limitations established by law and applicable alike to all persons.

(b) "Housing accommodations" means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within sub-sections (a) or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(c) Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

(d) Every totally or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such guide dog but shall be liable for any damage done to the premises by such a guide dog.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 870

H. 1517—Callahan

AN ACT

Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H.47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County is hereby authorized and directed to appropriate and pay each year in twelve monthly installments fifty percent (50%) of all funds received by Mobile County under the provisions of Section 8 (c) and Section 8 (d) of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for the levy of an oil and gas severance tax, to the Mobile County Board of Health which shall be used exclusively for general health within the county and the remaining fifty percent (50%) to the Mobile County Board of Education which shall be used exclusively for public school purposes within the county. The \$100,000.00 ceiling shall be removed beginning October 1, 1977.

Section 2. Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict with the provisions of this Act are hereby specifically repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 871

S. 795—McMillan

AN ACT

Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act;

providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. The terms "Governor-elect" and Lieutenant Governor-elect" and "Attorney General-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of Governor and Lieutenant Governor and Attorney General, respectively, as ascertained from the results of any primary or general election held to determine the successors of the Governor and Lieutenant Governor and Attorney General. The phrase "other officer next in the order of succession to the office of Governor" as used in this section shall mean the person next in order of succession to act as Governor in accordance with Article 5, Section 127, Constitution of Alabama of 1901. The term "protectee of the Department of Public Safety" shall mean such persons as are designated by the Governor or the Director of Public Safety to receive protection.

Section 2. The Department of Public Safety is authorized from the date of his election, throughout his term and for a period of five years after the expiration of his term of office to protect the person of the Governor of the State of Alabama, the members of his immediate family and the Governor-elect; and from the date of their respective elections and throughout their respective terms of office the Department of Public Safety is authorized to protect the person of the Lieutenant Governor, or other officer next in order of succession to the office of Governor, and the Lieutenant Governor-elect and the Attorney General and the Attorney General-elect; and, at the direction of the Governor or Director of Public Safety, other officials of the State and distinguished visitors to the State. The Department of Public Safety may call on other Departments of State government to assist in this protective function.

Section 3. Whoever knowingly and willfully obstructs, resists, or interferes with an officer of the Department of Public Safety engaged in the performance of the protective functions authorized by this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than one year, or both.

Section 4. Whoever knowingly and willfully deposits for conveyance in the mail or for delivery from any post office or by any letter carrier, any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the Governor of the State of Alabama,

the Governor-elect, the Lieutenant Governor or other officer next in order of succession to the office of Governor of the State of Alabama, or the Lieutenant Governor-elect or the Attorney General and the Attorney General-elect or protectee of the Department of Public Safety, or knowingly and willfully either telephonically or otherwise makes any such threat against the Governor, Governor-elect, Lieutenant Governor or other officer next in the order of succession to the office of Governor, or the Lieutenant Governor-elect or the Attorney General and the Attorney General-elect, or protectee of the Department of Public Safety, shall be fined not more than \$1,000 or imprisoned not more than five (5) years, or both.

Section 5. Any of the offenses in Section 4 of this section may be deemed to have been committed at either the place at which a letter, paper, writing, print, missive, or document was deposited for conveyance or at the place where the same was received if either of said places be within this State; or at the place at which the telephone call or calls were made, or at the place where the telephone call or calls were received if either of said places be within this State.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 4:00 P.M.

Act No. 872

S. 711—St. John, Foshee

AN ACT

Providing for the establishment of an Alabama Criminal Justice Information Center Commission in order to establish a statewide criminal justice information system; providing for the reporting of arrests and the disposition of persons charged by the state, county and municipal criminal justice agencies; providing for intra and inter-state, as well as national and international cooperation with other criminal justice agencies; and providing penalties for violations of provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, when used in this Act,

shall have the meanings ascribed to them below, unless the context clearly indicates a different meaning:

"Criminal justice agencies" shall be understood to include those public agencies at all levels of government which perform as their principal function activities or planning for such activities relating to the identification, apprehension, prosecution, adjudication, or rehabilitation of civil, traffic and criminal offenders.

"Offense" means any act which is a felony or is a misdemeanor as described in Section 11 herein.

"Criminal Justice Information System" and "system" shall be construed to include that portion of those public agencies, procedures, mechanisms, media and Criminal Justice Information Center forms as well as the information itself involved in the origination, transmittal, storage, retrieval, analysis and dissemination of information related to reported offenses, offenders, and actions related to such events or persons, required to be reported to, received by, as well as stored, analyzed and disseminated by the Alabama Criminal Justice Information Center Commission through the Center.

"Commission" means the Alabama Criminal Justice Information Center Commission.

"ACJICC" means the Alabama Criminal Justice Information Center Commission.

"ACJIC" means the Alabama Criminal Justice Information Center.

"Center" means the Alabama Criminal Justice Information Center.

"Director" means Director of the Alabama Criminal Justice Information Center.

Section 2. There is hereby created and established an Alabama Criminal Justice Information Center Commission, hereinafter referred to as Commission, which Commission shall establish, develop, and continue to operate a center and system for the inter and intra state accumulation, storage, retrieval, analysis and dissemination of vital information relating to certain crimes, criminals and criminal activity to be known as the Alabama Criminal Justice Information Center. Central responsibility for the development, maintenance, operation and administration of the Alabama Criminal Justice Information Center shall be vested with the Director of the ACJIC under the supervision of the Alabama Criminal Justice Information Center Commission.

Section 3. The Alabama Criminal Justice Information

Center Commission shall be composed of two sections. The voting section will include: the Attorney General, the chairman of the Pardon and Parole Board, the Commissioner of the Board of Corrections, the President of the Alabama Sheriffs' Association, the Director of the Department of Public Safety, the President of the Alabama Association of Chiefs of Police, the Director of the Alabama Law Enforcement Planning Agency, the President of the District Attorney's Association, the President of the Circuit Clerks' Association, the Chief Justice of the Alabama Supreme Court, the President of the Alabama Association of Intermediate Court Judges, the President of the Circuit Judges' Association, the Governor's Coordinator of Alabama Highway and Traffic Safety, and the Director of the Data Systems Management Division of the Alabama Department of Finance.

The advisory section will include: the Presiding Officer of the Alabama Senate, the Speaker of the Alabama House of Representatives, the President of the Association of County Commissions of Alabama, the President of the Alabama League of Municipalities, the Administrative Director of the Courts, and a citizen of the State of Alabama, to be appointed by the Governor.

The member shall have authority to select a designee based upon qualifications and with a view of continuity of representation and attendance at the Commission meetings. No person or individual shall continue to serve on the Alabama Criminal Justice Information Center Commission when he no longer officially represents the function or serves in the capacity enumerated herein as a member to which he was elected or appointed.

Section 4. The Commission shall, upon its first meeting, which shall be called by the Governor within ninety (90) days after this Act becomes effective, elect from its membership a chairman and a vice-chairman who shall serve for a period of one (1) year. The vice-chairman shall act in the place of the chairman in his absence or disability. The Commission shall meet at such times as designated by the Commission or by the chairman at the state capital or at other places as is deemed necessary or convenient, but the chairman of the Commission must call a meeting four (4) times a year at the state capital or main location of the ACJIC in the months of January, April, July and October. The chairman of the Commission may also call a special meeting of the Commission at any time he deems it advisable or necessary. A quorum shall be a simple majority of the voting Commission membership or their designees and all matters coming before the Commission shall be voted on by the Commission. The Commission will keep or cause to be

kept a record of all transactions discussed or voted on by the Commission.

Members of the Commission and their designees shall serve without compensation, except payment of their expenses may be paid in accordance with the applicable state travel regulations.

Section 5. The Commission shall establish its own rules regulations and policies for the performance of the responsibilities charged to it herein.

The Commission shall ensure that the information obtained under authority of this Act shall be restricted to the items germane to the implementation of this Act and shall ensure that the Alabama Criminal Justice Information Center Commission is administered so as not to accumulate any information or distribute any information that is not required by this Act.

The Commission shall ensure that adequate safeguards are incorporated so that data available through this system is used only by properly authorized persons and agencies.

The Commission shall appoint a Privacy and Security Committee from the membership of the Commission who are elected officials consisting of a chairman and three members to study the privacy and security implications of criminal justice information and to formulate policy recommendations for consideration by the Commission concerning the collection, storage, dissemination or usage of criminal justice information.

The Commission may establish other policies and promulgate such regulations that provide for the efficient and effective use and operation of the Alabama Criminal Justice Information Center under the limitations imposed by the terms of this Act.

Section 6. The Commission shall appoint a Director and a Deputy Director for the Alabama Criminal Justice Information Center who shall be responsible for (a) the development, maintenance, and operation of the ACJIC as required by the terms of this Act, and (b) the implementation and operation of policies, programs, and procedures established by the Commission under the limitations of this Act.

The qualifications of the Director and Deputy Director shall be determined by the State Personnel Department. However, the ACJIC shall not disseminate any information concerning any person to any criminal justice agencies outside of the State of Alabama unless said information pertains to a conviction of the person.

Section 7. The Director shall maintain the necessary staff along with support services necessary to enable the effective

and efficient performance of the duties and responsibilities ascribed to the ACJIC herein under the supervision of the Commission.

Section 8. The staff and personnel employed by the Commission for the development and operation of the Center and system shall be governed by the personnel merit system rules and regulations of the State Personnel Department. Employees of agencies or institutions which are transferred to the Center or Commission under the provisions of this Act shall remain in their respective employments, and shall be considered to meet the requirements of the department in terms of training and experience; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. Such employees shall continue to enjoy employment conditions, including but not limited to salary range and advancement at a level no less than those enjoyed prior to transfer to the Center or Commission. All time accumulated while engaged in such prior employment shall be credited toward all privileges enjoyed under state merit employment.

Section 9. The Alabama Criminal Justice Information Center Commission shall provide for a uniform crime reporting system for the periodic collection and analysis of crimes reported to any and all criminal justice agencies within the state. The collection of said data and time for submission of data will be subject to Alabama Criminal Justice Information Center Commission regulation making authority.

Section 10. The Alabama Criminal Justice Information Center Commission acting through the Director of the Alabama Criminal Justice Information Center shall:

(1) Develop, operate and maintain an information system which will support the collection, storage, retrieval, analysis and dissemination of all crime and offender data described in this Act consistent with those principles of scope, security and responsiveness prescribed by this Act.

(2) Cooperate with all criminal justice agencies within the State in providing those forms, procedures, standards and related training assistance necessary for the uniform operation of the statewide ACJIC crime reporting and criminal justice information system.

(3) Offer assistance and, when practicable, instruction to all criminal justice agencies in establishing efficient systems for information management.

(4) Compile statistics on the nature and extent of crime in Alabama and compile data for planning and operating crimi-

nal justice agencies, provided that such statistics do not identify persons. The Commission will make available all such statistical information obtained, to the Governor, the Legislature, the Judiciary, and any such other governmental agencies whose primary responsibilities include the planning, development, or execution of crime reduction programs. Access to such information by such governmental agencies will be on an individual written request basis or in accordance with the approved operational procedure wherein must be demonstrated 1) a need to know, 2) the intent of any analyses, 3) dissemination of such analyses; and will be subject to any security provisions deemed necessary by the Commission.

(5) Periodically publish statistics, no less frequently than annually, that do not identify persons, and report such information to the chief executive officers of the agencies and branches of government concerned. Such information shall accurately reflect the level and nature of crime in this State and the general operation of the agencies within the criminal justice system.

(6) Make available, upon request, to all criminal justice agencies in this State, to all federal criminal justice and criminal identification agencies and to State criminal justice and criminal identification agencies in other states any information in the files of the ACJIC which will aid these agencies in crime fighting. For this purpose the ACJIC shall operate 24-hours per day, 7 days per week.

(7) Cooperate with other agencies of this State, the crime information agencies of other states, and the Uniform Crime Reports and National Crime Information Center systems of the Federal Bureau of Investigation or any entity designated by federal government as the central clearing house for criminal justice information systems in developing and conducting an interstate, national and international system of criminal identification, records and statistics.

(8) Provide the administrative mechanisms and procedures necessary to respond to those individuals who file requests to view their own records as provided for elsewhere in this Act and to cooperate in the correction of the central ACJIC records and those of contributing agencies when their accuracy has been successfully challenged either through the related contributing agencies or by court order issued on behalf of the individual.

(9) Institute the necessary measures in the design, implementation, and continued operation of the criminal justice information system to ensure the privacy and security of the system. Such security measures must meet standards to be set by the Commission as well as those set by the nationally

operated systems for interstate sharing of such information.

Section 11. The Alabama Criminal Justice Information Center Commission is authorized to obtain, compare, file, analyze and disseminate, and all state, county and municipal criminal justice agencies are required to report fingerprints, descriptions, photographs, and any other pertinent identifying and historical criminal data on persons who have been or are hereafter arrested or convicted in this state or any state for an offense which is a felony or an offense which is a misdemeanor escalating to a felony involving, but not limited to: possession of burglary tools or unlawful entry; engaging in unlawful commercial gambling; dealing in gambling; dealing in gambling devices; contributing to the delinquency of a child; robbery, larceny or dealing in stolen property; possession of controlled substances and illegal drugs including marijuana; firearms; dangerous weapons; explosives; pandering; prostitution; rape; sex offenses where minors or adults are victims; misrepresentation; fraud; and, worthless checks.

Section 12. All criminal justice agencies within the State shall submit to the ACJIC by forwarding to the Alabama Department of Public Safety fingerprints, descriptions, photographs (when specifically requested), and other identifying data on persons who have been lawfully arrested in this State for all felonies and certain misdemeanors described in Section 11 herein. It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, parole and probation officers, wardens, or other persons in charge of correctional or detention institutions in this State to furnish the ACJIC with any other data deemed necessary by the Commission to carry out its responsibilities under this Act.

Section 13. Pertinent identifying data and historical criminal information may be obtained and disseminated on any person confined to any workhouse, jail, reformatory, prison, penitentiary or other penal institution having been convicted of an offense described in Section 11.

Section 14. Pertinent identifying data and historical criminal information may be obtained and disseminated on any unidentified human corpse found in this state.

Section 15. The Alabama Criminal Justice Information Center Commission is authorized to compare all fingerprint and other identifying data received with information already on file and ascertain whether or not a criminal record is found for that person, and at once inform the requesting agency or arresting officer of such facts.

Section 16. Information in a criminal history, other than physical and identifying data, shall be limited to those offenses

in which a conviction was obtained or to data relating to the current cycle of criminal justice administration if the subject has not yet completed that cycle.

Section 17. A log shall be maintained of all disseminations made of each criminal history including the date of information request and the recipient of said information.

Section 18. The Alabama Criminal Justice Information Center Commission shall establish guidelines for appropriate measures to be taken in the instance of any violation of data reporting or dissemination, and shall initiate and pursue appropriate action for violations of rules, regulations, laws and constitutional provisions pertaining thereto.

Section 19. All persons in this State in charge of law enforcement and correction agencies shall obtain, or cause to be obtained the fingerprints according to the fingerprint system of identification established by the Commission, full face and profile photographs (if photo equipment is available), and other identifying data, of each person arrested for an offense of a type designated in Section 11, of all persons arrested or taken into custody as fugitives from justice, and of all unidentified human corpses in their jurisdictions; but photographs need not be taken if it is known that photographs of the type listed taken within the previous year, are on file. Fingerprints and other identifying data of persons arrested for offenses other than those designated in this Act may be taken at the discretion of the agency concerned. If any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through criminal justice proceedings, such disposition shall be reported by all state, county and municipal criminal justice agencies to ACJIC within 30 days of such action, and all such information shall be eliminated and removed.

Section 20. Fingerprints and other identifying data required to be taken by this Act shall be forwarded within 24 hours after taking for filing and classification, but the period of 24 hours may be extended to cover any intervening holiday or weekend. Photographs taken shall be forwarded at the discretion of the agency concerned; but, if not forwarded, the fingerprint record shall be marked "Photo available" and the photographs shall be forwarded subsequently if the Commission so requests.

Section 21. All persons in this State in charge of criminal justice agencies shall submit to the ACJIC by forwarding to the Alabama Department of Public Safety detailed descriptions of arrest warrants and related identifying data immediately upon determination of the fact that the warrant cannot be

served for the reasons stated. If the warrant is subsequently served or withdrawn, the criminal justice agency concerned must immediately notify the ACJIC of such service or withdrawal. Also, the agency concerned must annually, no later than January 31 of each year, and at other times if requested by the Commission confirm to the ACJIC all arrest warrants of this type which continue to be outstanding.

Section 22. All persons in charge of state penal and correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the Commission, and full face and profile photographs of all persons received on commitment to these institutions. The prints so taken shall be forwarded to the ACJIC by forwarding to the Alabama Department of Public Safety together with any other identifying data requested, within 10 days after the arrival at the institution of the person committed. At the time of release, the institution will again obtain fingerprints as before and forward them to ACJIC within 10 days along with any other related information requested by the Commission. Immediately upon release, the institution shall notify ACJIC of the release of such person.

Section 23. The Alabama Department of Public Safety shall forward within a reasonable period, not to exceed 72 hours, all data collected pursuant to Sections 12, 21, and 22 of this Act.

Section 24. All persons in charge of criminal justice agencies in this State shall furnish the ACJIC with any other identifying data required in accordance with guidelines established by the ACJIC. All criminal justice agencies in this State having criminal identification files shall cooperate in providing to ACJIC information in such files as will aid in establishing the nucleus of the State criminal identification file.

Section 25. All criminal justice agencies within the State shall submit to the ACJIC periodically at a time and in such a form as prescribed by the Commission information regarding only the cases within its jurisdiction. Said report shall be known as the "Alabama Uniform Crime Report" and shall include crimes reported and otherwise processed during the reporting period. Said report shall contain the number and nature of offenses committed, the disposition of such offenses and such other information as the Commission shall specify, relating to the method, frequency, cause and prevention of crime.

Section 26. All criminal justice agencies within the State shall report to the ACJIC in a time and manner prescribed by the Commission, all persons wanted by, and all vehicles and property stolen from their jurisdictions. The report shall be

made as soon as is practical after the investigating department or agency either ascertains that a vehicle or identifiable property has been stolen or obtains a warrant for an individual's arrest or determines that there are reasonable grounds to believe that the individual has committed the crime. In no event shall this time exceed 12 hours after the reporting department or agency determines that it has grounds to believe that a vehicle or property was stolen or that the wanted person should be arrested. The Commission shall have authority to institute any and all procedures necessary to trace and complete the investigative cycles of stolen vehicles or wanted persons.

Section 27. If it is determined by the reporting agency that a person is no longer wanted due to his apprehension or any other factor, or when a vehicle or property reported stolen is recovered, the determining agency shall notify immediately the Alabama Criminal Justice Information Center. Furthermore, if the agency making such apprehension or recovery is other than the one which made the original wanted or stolen report, then it shall notify immediately the originating agency of the full particulars relating to such apprehension or recovery.

Section 28. The Administrator of the Department of Court Management or chief administrative officer of any other entity that is charged with the compilation of information and statistics pertaining to the disposition of criminal cases shall report such disposition to the ACJIC within a reasonable time after formal rendition of judgment as prescribed by the Commission.

Section 29. All probation and parole officers shall supply the ACJIC with the information on delinquent parolees required by this Act in a time and manner prescribed by the Commission.

Section 30. Any governmental agency which is not included within the description of those departments and agencies required to submit the uniform crime report, which desires to submit such a report, shall be furnished with the proper forms by the ACJIC. When a report is received by ACJIC from a governmental agency not required to make such a report, the information contained therein shall be included within the periodic compilation provided for in this Act.

Section 31. Nothing in this Act shall be construed to give authority to any person, agency or corporation or other legal entity to invade the privacy of any citizen as defined by the Constitution, the Legislature or the courts other than to the extent provided in this Act.

Disclosure of criminal histories or other information that may directly or otherwise lead to the identification of the in-

dividual to whom such information pertains, may not be made to any person, agency, corporation or other legal entity that has neither the "need to know" nor the "right to know" as determined by the commission pursuant to Section 5 of this Act.

Section 32. The Center shall make a person's criminal records available for inspection to him or his attorney upon written application to the Commission. Forms, procedures, identification and other related aspects pertinent to such access may be prescribed by the Commission in providing access to such records and information.

Section 33. If an individual believes such information to be inaccurate or incomplete he may request the original agency having custody or control of the detail records to purge, modify or supplement them and to so notify the ACJIC of such changes. Should the agency decline to so act, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual or his attorney may within 30 days of such decision enter an appeal to the circuit court of the county of his residence or to the circuit court in the county where such agency exists, with notice to the agency, pursuant to acquiring an order by such court that the subject information be expunged, modified, or supplemented by the agency of record. The court in each such case shall conduct a de novo hearing, and may order such relief as it finds to be required by law. Such appeals shall be entered in the same manner as appeals are entered from the court of probate, except that the appellant shall not be required to post bond nor pay the costs in advance. If the aggrieved person desires, the appeal may be heard by the judge at the first term or in chambers. A notice sent by registered mail shall be sufficient service on the agency of disputed record that such appeal has been entered. The party found to be in error shall assume all costs involved.

Section 34. Should the record in question be found to be inaccurate, incomplete, or misleading, the court shall order it to be appropriately purged, modified or supplemented by an explanatory notation. Each agency or individual in the State with custody, possession or control of any such record shall promptly cause each and every copy thereof in his custody, possession or control to be altered in accordance with court's order. Notification of each such deletion, amendment and supplementary notation shall be promptly disseminated to any individuals or agencies to which the records in question have been communicated including the ACJIC, as well as to the individual whose records have been ordered so altered.

Section 35. Agencies, including ACJIC, at which criminal offender records are sought to be inspected may prescribe rea-

sonable hours and places of inspection, and may impose such additional procedures, fees (not to exceed five dollars), or restrictions, including fingerprinting, as are reasonably necessary both to assure the records' security, to verify the identities of those who seek to inspect them, and to maintain an orderly and efficient mechanism for such accesses. All fees collected are to be forwarded to the State General Fund for disposition.

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender records information to any agency or person except in accordance with this Act, or any member, officer, employee or agent of the ACJICC, the ACJIC, or any participating agency who willfully falsifies criminal offender record information, or any records relating thereto, shall for each offense be fined not less than five thousand dollars nor more than ten thousand dollars, or imprisoned in the state penitentiary not more than five years, or both.

Section 36. Any person who knowingly communicates or seeks to communicate criminal offender record information, except in accordance with this Act, shall upon conviction be guilty of a misdemeanor and for each such offense may be fined not less than five hundred dollars, nor more than ten thousand dollars, or imprisoned not less than thirty days, nor more than one year, or both.

Section 37. Any officer or official mentioned in this Act who neglects or refuses to make any report to do any act required in this Act, is subject to prosecution for a misdemeanor and, if found guilty, may be fined not less than one hundred dollars or more than ten thousand dollars and may be confined in a county jail for not more than one year. He shall also be subject to prosecution for nonfeasance and if found guilty, be subject to removal from office therefor.

Section 38. In the event of conflict, this Act shall to the extent of the conflict supersede all conflicting parts of existing statutes which regulate, control or otherwise relate, directly or by implication, to the collection, storage, and dissemination or usage of fingerprint identification, offender criminal history, uniform crime reporting, and criminal justice activity data records or any conflicting parts of existing statutes which relate directly or by implication, to any other provisions of this Act.

Section 39. The provisions of this Act shall not alter, amend, or supersede the statutes and rules of law governing the collection, storage, dissemination or usage of records concerning individual juvenile offenders in which they are in-

dividually identified by name or other means until such time as the Alabama Legislature provides legislation permitting the collection, storage, dissemination or usage of records concerning individual juvenile offenders.

Section 40. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 41. All laws or parts of laws which conflict with this Act are hereby repealed. No part of this Act shall violate provisions of Data Systems Act No. 1299, S. 717, Regular Session of 1973, (Acts of 1973, Page 2214), or Judicial Article Act No. 1051, S.214, Regular Session of 1973, (Acts of 1973, Page 1676), or Youth Services Act No. 816, H.756, Regular Session of 1973, (Acts of 1973, Page 2161). Provision of information under this Act shall be limited by all Constitutional provisions, limitations and guarantees including but not limited to, due process, the right of privacy and the tripartite form of Alabama's State government.

Section 42. The process for appeals by an individual or governmental body of any rules and regulations promulgated by the Commission shall first be to the Commission proper. The appellant may present his argument at a regular meeting of the Commission requesting the alteration or suggesting the non-applicability of a particular rule and/or regulation. If the appellant is not satisfied by the action of the Commission, then an appeal may be made to the Circuit Court in Montgomery County.

Section 43. Annually, the Commission shall present to the Governor a request for funds based on projected needs for criminal justice information systems in the State, together with a budget showing proposed expenditures; and the Governor may include in his appropriation bill a request for funds to meet the financial needs of the Commission.

Section 44. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 873

S. 733—McMillan

AN ACT

Relating to employees of the Board of Corrections; providing that

the rules and regulations of the State Personnel Department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists and allied professional supportive personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. The rules and regulations of the State Personnel Department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists, or allied professional supportive personnel, employed by the Board of Corrections.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 874

S. 1198—McDonald (S)

AN ACT

Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission and board of registrars of Marshall County shall be allowed ten (10) extra authorized meeting days each year that shall be used whenever said bodies deem necessary. Each member and clerk of said bodies shall be entitled to an expense allowance of five dollars (\$5.00) per day for each day he performs the duties of his office which shall be in addition to any and all other expense allowances and compensation they are now receiving.

Section 2. This Act shall become effective on October 1, 1975.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 875

S.J.R. 146—Owen

SENATE JOINT RESOLUTION

COMMENDING CLEVELAND L. ADAMS.

WHEREAS, Cleveland L. Adams is the first recipient of the new Southern Textile Chair within the School of Engineering at Auburn University; and

WHEREAS, Cleveland L. Adams has served as Head Professor of the Textile Engineering Department since 1952; and

WHEREAS, he has served the textile industry and the people of Alabama for over fifty years through his teachings and research; and

WHEREAS, Cleveland L. Adams helped organize and nurture the Alabama Textile Education Foundation, the Alabama Textile Operating Executives, and the Phi Psi Textile Honorary Fraternity; and

WHEREAS, Cleveland L. Adams has brought honor and recognition to Alabama, having served as a consultant on textile problems in the United States, Europe, Asia, Africa, Central and South America, and has worked with the United States Agency for International Development, the Regional Export Expansion Council, the National Council for Textile Education, many national engineering firms and international corporations while traveling in 77 countries; and

WHEREAS, he has been a member of the National Defense Executive Resource, the Alabama-Guatemala Partners of the Americas, the American Society for Testing Materials, the National Education Association, the American Society for Quality Control and is a charter member of the Textile Fiber Society; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Cleveland L. Adams for his many achievements and particularly upon becoming the first recipient of the Southern Textile Chair of the School of Engineering at Auburn University.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 876

H. 81—Sasser

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding (\$2,000,000.00) for the purpose of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of the Army.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

"The State of Alabama is authorized to become indebted for the purpose of providing and equipping permanent facilities in Dale County, Alabama for displaying certain exhibits in cooperation with the United States Department of the Army, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding (\$2,000,000.00) in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, alteration, improvement, enlargement and equipment of exhibition buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not including the purchase of sites therefor. Such buildings and facilities shall be constructed by an aviation exhibit commission, or such other state agency as may be created by act of the Legislature, and shall be operated by or in cooperation with the Department of the Army under such arrangements as may be authorized by law.

"The Alabama Aviation Exhibit Commission or any instrumentality of the state created and established for the purpose of providing for such facility, its management or control, is hereby vested with the authority to provide for the sale and terms of the bonds and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said commission at such date or dates prior to

their maturity and upon payment of such redemption price or prices, all as shall be provided by the said commission in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such an amount as shall be specified in the resolution or resolutions of the said commission under which they are issued, the first of which installments shall mature not later than two years after the date of the bonds of such series and the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said commission, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received all bids may be rejected.

“The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the commission and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of state; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the state treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

“All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

“The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special fund in the state treasury to be designated the Ala-

bama Aviation Exhibit Commission Fund; and such proceeds shall be used solely for the purposes, hereinabove enumerated, for which the bonds are authorized to be issued.

"The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the legislature may enact appropriate legislation implementing its provisions."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House September 2, 1975.

Passed the Senate October 9, 1975.

Act No. 877 H. 747—Dial, Teague, Moore (0), McCluskey

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding \$3,000,000.00 for the purpose of providing and equipping permanent housing facilities for the display of certain exhibits.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

"The State of Alabama is authorized to become indebted for the purpose of providing and equipping permanent facilities in

Talladega County, Alabama for displaying certain exhibits and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding \$3,000,000.00 in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, alteration, improvement, enlargement and equipment of exhibition buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not including the purchase of sites therefor. Such buildings and facilities shall be constructed by a motor sports hall of fame commission, or such other state agency as may be created by act of the Legislature.

"The Motor Sports Hall of Fame Commission or any instrumentality of the state created and established for the purpose of providing for such facility, its management or control, is hereby vested with the authority to provide for the sale and terms of the bonds and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said commission in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such an amount as shall be specified in the resolution or resolutions of the said commission under which they are issued, the first of which installments shall mature not later than two years after the date of the bonds of such series and the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said commission that the requirements of this sen-

tence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said commission, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received all bids may be rejected.

"The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the commission and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of state; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the state treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

"All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

"The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special fund in the state treasury to be designated the Motor Sports Hall of Fame Fund; and such proceeds shall be used solely for the purposes, hereinabove enumerated, for which the bonds are authorized to be issued.

"The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the legislature may enact appropriate legislation implementing its provisions."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amend-

ment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House as Amended September 2, 1975.

Passed the Senate October 9, 1975.

Act No. 878

S. 209—Roberts, Stewart

AN ACT

To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities, and to authorize the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county or the governing body of any municipality within such county is hereby authorized to create and establish, maintain and operate ambulance service within the county, or within the municipality, to promote the health, welfare and safety of the residents of the county and municipality and of citizens and others traveling within such county, and may make all needful rules and regulations for the control and management of such service. The governing body of the county and the governing body of any municipality within the county may unite in the establishment of such ambulance service, if deemed expedient, making such service common for the use of the county and of the municipality, and may make rules and regulations for the control and management thereof, and shall jointly have the same powers and authority herein conferred upon each. The governing body of any municipality may also unite with the governing body of any other municipality within such county, or together with the governing body of the county, in the establishment of such ambulance service, if deemed expedient, making such service common for the use of the several governments, and may make rules and regulations for the control and man-

agement thereof, and shall jointly have the same powers and authority herein conferred upon each.

Section 2. The governing body of any county or the governing body of any municipality may appropriate public funds to aid in or to pay for the establishment, maintenance and operation of such service.

Section 3. The governing body of any county or the governing body of any municipality may enter into contracts to provide such ambulance service, and may appropriate and pay public funds for such service provided under such contracts.

Section 4. The governing body of any county and the governing body of any municipality may fix and establish fees for such ambulance service, provided that fees and charges for such service shall be limited to an amount necessary to fund the expenses of operating and maintaining such service, which shall not be operated for profit.

Section 5. The provisions of this act are cumulative and in addition to any authority heretofore granted or authorized to any county or any municipality or municipalities for the establishment, maintenance or operation of ambulance service.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains and it is the intent of the Legislature that it would have adopted all portions of this act independent of the elimination thereof of any such portion that may be declared invalid or unconstitutional.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1975.

Time: 3:45 P.M.

Act No. 879

S. 1199—McDonald (S)

AN ACT

To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1636, H. B. 2383, Regular Session 1971,

(Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 880

H. 1896—Hill, Greer

AN ACT

Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties of this state having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. In any county to which this act applies the county governing body shall call, within six months from the date of this act, a referendum election to determine whether or not the qualified voters of the county wish for the county road system to remain under the supervision and control of the state highway department or revert to the supervision and control of the county governing body.

Section 3. If the vote at such election is in favor of the county governing body assuming direction and control of the county road system, then the county governing body shall arrange for an orderly take-over of the said road system from the state highway department within a three months period after said election and any law providing otherwise shall be superseded by the provisions of this act.

Section 4. The county governing body is hereby authorized and empowered to pay for the cost of such election out of the county general fund.

Section 5. All laws or parts of laws which conflict with

this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 881

H. 1909—McNees

AN ACT

Amending Act No. 791, H. 979, 1971 third Special Session of the Legislature (Acts 1971, Vol. II, p. 1525) to increase the compensation for the secretary to the district attorney of the twenty-fourth judicial circuit, and to provide for proportional payment by the counties constituting said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-fourth judicial circuit may appoint a secretary in addition to any other clerical assistance which heretofore may have been authorized by law. Such secretary shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be \$5400 per annum, and shall be paid in monthly installments, on warrant of the district attorney, by the counties constituting the twenty-fourth judicial circuit in equal proportions.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 882

H. 1921—Killian

AN ACT

Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Fort Payne in DeKalb County are hereby altered, re-arranged and extended to include within the corporate limits of the City of

Fort Payne the following described territory, in addition to that already within the corporate limits, to wit:

Beginning at point on the easterly boundary line of the Corporate Limits of the City of Fort Payne, Alabama, described as the one-half mile corner on the east line of Section 23, Township 6 South, Range 9 East of the Huntsville Meridian in DeKalb County, Alabama, run in a southwesterly direction across the SE $\frac{1}{4}$ of said Section 23 and the NE $\frac{1}{4}$ of Section 26 in Township 6 South, Range 9 East to the northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 26; thence run in a southerly direction to the one-half mile corner on the south line of said Section 26; thence continue in a southerly direction to the one-half mile corner on the south line of Section 35 in Township 6 South, Range 9 East; thence run in a southerly direction to the one-half mile corner on the south line of Section 2, Township 7 South, Range 9 East; thence continue in a southerly direction to the one-half mile corner on the south line of Section 11, Township 7 South, Range 9 East; thence run in a southwesterly direction across the W $\frac{1}{2}$ of Section 14, the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ of Section 22, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21 and the NE $\frac{1}{4}$ and W $\frac{1}{2}$ of Section 28, all in Township 7 South, Range 9 East to the southwest corner of said Section 28; thence run in a westerly direction along the south boundary of Section 29, Township 7 South, Range 9 East to the southwest corner thereof and the southeast corner of the Corporate limits of the City of Fort Payne; thence run in a northeasterly and northerly direction with the Corporate limits of the City of Fort Payne to the point of beginning.

Said area all lying in DeKalb County, Alabama.

Section 2. This act shall become effective immediately upon the passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 883

H. 1924—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census, the county commission shall be authorized to appoint an Engineer Trainee who shall engage in no other employment and the amount of whose salary shall be such sum as may be fixed by the said county commission payable in equal monthly installments from county funds available for that purpose when properly entered into the minutes of the county commission.

Section 2. The person appointed as Engineer Trainee shall be a Registered Engineer-in-Training in the State of Alabama with the State Board of Registration for Professional Engineers and Land Surveyors. It shall be the duty of said Engineer Trainee to perform such engineering, surveying, accounting and administrative functions as may be ordered by the county engineer or chief engineer of the division of public roads.

Section 3. When said county has established the office of Engineer Trainee, the State Highway Director may, upon application of the county commission, authorize the expenditure out of the available funds of the State Highway Department, an amount equal to fifty percent (50%) of the annual salary of said Engineer Trainee, to said county, which shall apply to the payment of the salary, with such payments to be made in equal monthly installments. It is provided, however, that the amount contributed or paid by the State Highway Department to said county, not including retirement contributions, shall not exceed fifty percent (50%) of the salary schedule under the Graduate Civil Engineer or Civil Engineer II Classification in any one year. The State Highway Director may discontinue such payment after thirty days notice in writing to said county commission and to the Engineer Trainee, unless otherwise agreed to in writing with said county by contract made and entered upon the records of the county commission.

Section 4. This Act is not mandatory but is discretionary, remedial, cumulative, and provides additional authority for the betterment of the county public road system.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 884

S. 741—Shelby

AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to

issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as ex-officio judge. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$10,000 nor more than \$15,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants to the ex-officio judge shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other

county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 885

S. 1109—Adams

AN ACT

To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 599, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:

“Section 3 (a) Except as provided in subsection (b) of this subsection, the Houston County Court shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases, including actions of unlawful detainer and actions for the recovery of possession of land. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-

made rules governing the practice and procedure of courts of record.

(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand dollars (\$2,000.00) nor take cognizance of any matter, suit or proceeding that is equitable in nature and specifically that pertains or relates to divorce or separate maintenance, domestic relations or the custody of children, juveniles and cases and actions involving juveniles arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940) and Chapter 7, Title 13, Code of Alabama (1940), and paternity suits; and all such cases and actions that are pending in the Houston County Court of Houston County, Alabama shall on the effective date of the passage of this amendment be transferred to the Circuit Court of Houston County, Alabama and shall proceed as though begun therein."

Section 2. All provisions and references concerning equitable and juvenile cases, proceedings or matters in Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) are hereby abolished and repealed.

Section 3. Section 11(c) of Act No. 630, S. B. 537 and Act No. 509 H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts 1969, p. 1150 and p. 971) is hereby amended to read as follows:

"Section 11 (c). The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the matter provided by law. No person shall be eligible for office of judge unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State. The Judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 886

H.J.R. 102—Crowe

HOUSE JOINT RESOLUTION

WHEREAS Alabama's abundant industrial, professional and commercial historic landmarks reflect significant national achievements in manufacturing, commerce, science, invention and technology; and

WHEREAS historic buildings adapted and used as offices, classrooms, libraries and laboratories favorably reflect the outstanding accomplishments of Alabama physicians, attorneys, scientists, engineers, and educators; and

WHEREAS too many of these evidences of Alabama's educational, professional, commercial and industrial heritage have been demolished or have eroded with the passing of time, urban upheaval, suburban sprawl, and change; and

WHEREAS a growing number of merchants, shopkeepers, bankers, professional and service concerns are adapting mansions and cottages for viable present day market place and official use, with restored extensions which appeal to tourists and contribute to the economy;

NOW THEREFORE BE IT RESOLVED that the Alabama legislature create the Historic Resources Adaptors Council. Adaptors, in cooperation with the Alabama Historical Commission, shall develop a program adapting, renovating and rehabilitating both residential and commercial landmarks with architectural and historic appeal.

The lieutenant Governor shall appoint three members from State at large, and the Speaker of the House of Representatives shall appoint two members from State at large from a list of nominees submitted by the Alabama Historical Commission to consist of affiliates who "work, serve or sell" in historic landmarks. The Alabama Historical Commission shall appoint two members State at large; and the executive director of the Alabama Historical Commission, or his staff designee shall serve as an ex-officio member. The members of the Council shall consist of a representative of the Alabama State Chamber of Commerce, Alabama Bar Association, Association of Industries of Alabama, Alabama Retail Merchants Association, Medical Association of Alabama, Alabama Bankers Association, Alabama Education Association, Alabama League of Municipali-

ties, and Central Alabama Regional Preservation Council.

Members will serve terms of four (4) years each and shall serve without compensation and will meet no more than three times a year, one of which shall be in conjunction with the Annual Meeting of the Alabama Historical Commission.

The Historic Resource Adaptors Council is charged to, in cooperation with the Alabama Historical Commission to organize local, regional and area councils which will promote and encourage Alabamians to adapt, renovate, and rehabilitate industrial, professional and commercial historic landmarks.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 887

H.J.R. 338—Hall

HOUSE JOINT RESOLUTION

REQUESTING THE JEFFERSON COUNTY COMMISSION AND THE WATER BOARD TO REVIEW AND REVISE THE RATES.

WHEREAS there are certain areas in Jefferson County that are serviced as rural areas but which in fact have high density populations; and

WHEREAS the Legislature of Alabama and the people of Jefferson County have become alarmed at the recent rate increases brought about by classifying certain areas from a centralized area rate to a rural area rate; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses Concurring, That we request the Jefferson County Commission and the Water Board to review the recent rate changes and to define what a rural area and a centralized area is.

RESOLVED FURTHER, That a copy of this resolution be sent to the Mayor of Birmingham and the General Manager of the Birmingham Water Works Board.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 888

H.J.R. 373—Hines, Leonard, Lee, Taylor,
Cooper, Campbell

HOUSE JOINT RESOLUTION

URGING THE BOARD OF CORRECTIONS TO CONSIDER A PLAN OF REORGANIZATION CONDUCTIVE TO THE REHABILITATION OF PROMISING CANDIDATES.

WHEREAS, the Interim Criminal Justice Study Committee has recently reported to the Alabama legislature, and

WHEREAS, that Committee strongly urges the Board of Corrections to carefully consider the possibilities of a reorganization of inmates within the existing institutions so that the more promising candidates for rehabilitation and resocialization are given the most conducive environment possible, and

WHEREAS, the overcrowding which presently exists in the penal system inhibits the rehabilitation process, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, that we strongly urge the Board of Corrections to consider a plan of reorganization conducive to the rehabilitation of promising candidates.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 889

H.J.R. 377—Kelly

HOUSE JOINT RESOLUTION

WHEREAS Alabama abounds in prehistoric, historic era and marine archaeological assets in almost every section of the state; and

WHEREAS Alabama's prehistoric archaeological evidences in the Tennessee Valley, central river area, and Gulf Coast are among the oldest and most significant rock bluff and cave shelters and earthen and shell mounds in Eastern America; and

WHEREAS historic era archaeology provides considerable and vital data relating to Alabama's colonial, pioneer, territorial and early statehood heritage; and

WHEREAS Alabama's rivers, lakes, bay and Gulf contain priceless submerged objects of antiquity which should be reclaimed by professional marine archaeological activity; and

WHEREAS archaeological resources have considerable ap-

peal to tourists and archaeological landmarks serve as visual learning centers for both our youth and Alabama adults

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature create the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee to work with and advise the Alabama Historical Commission on matters relating to archaeological inventory, survey, salvage, excavation, registration, research and development.

The Council shall meet no more than six times a year and shall be composed of professional practicing archaeologists, each representing four year public institution of higher learning with archaeological academic programs and a representative of the Mound State facility.

The Committee shall meet no more than twice a year and shall be composed of two members who reside in North Alabama, two members from Central Alabama and two members from South Alabama and two members of the State at large.

The Committee shall be composed of serious amateur archaeologists or private institutional archaeologists and must be affiliated with the Alabama archaeological society whose president shall be an ex-officio member of the Committee and shall serve as its chairman. The remainder of the members of the Committee shall be chosen for four year terms by the Alabama Historical Commission. The Commission shall serve without compensation or expenses.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 890

H.J.R. 399—Gafford

HOUSE JOINT RESOLUTION

NAMING ACT NO. 524, S. 185, PROVIDING FOR SEMI-PERMANENT LICENSE PLATES, THE "McMILLAN-HINES-DIAL ACT."

WHEREAS, Senator George McMillan Jr., Representative L. Brooks Hines and Representative Gerald O. Dial worked long and diligently in the passage of Act No. 524, S. 185, providing for semi-permanent license plates, which will result in great savings of money to this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act

No. 524, S. 185, be known as the "McMillan-Hines-Dial Act."

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 891

H.J.R. 400—Wyatt

HOUSE JOINT RESOLUTION

CONGRATULATING THOMAS B. AND MILDRED HILL ON THEIR FIFTIETH WEDDING ANNIVERSARY

WHEREAS, Thomas B. "T.B." Hill, Jr. and Mildred Abrams pledged their lives and exchanged the vows of holy matrimony on the altar of love at The First Methodist Church in Talladega, Alabama on September 22, 1925; and

WHEREAS, this lovely couple was honored by their family and friends on the momentous celebration of their golden wedding anniversary on September 22, 1975; and

WHEREAS, this union has been blest with four fine children: T. Bowen Hill III, William I. Hill II, Mrs. James S. Hickson and Luther A. Hill; and

WHEREAS, during a rainbow span of fifty years their married life has shone as an inspiration to all who know them; and

WHEREAS Mildred and "T.B." throughout their union have worked for the spiritual, cultural and historic enrichment of their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mildred and "T.B." Hill, Jr. on their golden anniversary and congratulate them on their sterling example to all.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Thomas B. Hill, Jr. and each of their children.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 892

H.J.R. 403—Turnham, Whatley, Higginbotham,
McNair

COMMENDING CLEVELAND L. ADAMS.

WHEREAS, Cleveland L. Adams is the first recipient of the new Southern Textile Chair within the School of Engineering at Auburn University; and

WHEREAS, Cleveland L. Adams has served as Head Professor of the Textile Engineering Department since 1952; and

WHEREAS, he has served the textile industry and the people of Alabama for over fifty years through his teachings and research; and

WHEREAS, Cleveland L. Adams helped organize and nurture the Alabama Textile Education Foundation, the Alabama Textile Operating Executives, and the Phi Psi Textile Honorary Fraternity; and

WHEREAS, Cleveland L. Adams has brought honor and recognition to Alabama, having served as a consultant on textile problems in the United States, Europe, Asia, Africa, Central and South America, and has worked with the United States Agency for International Development, the Regional Export Expansion Council, the National Council for Textile Education, many national engineering firms and international corporations while traveling in 77 countries; and

WHEREAS, he has been a member of the National Defense Executive Resource, the Alabama-Guatemala Partners of the Americas, the American Society for Testing Materials, the National Education Association, the American Society for Quality Control and is a charter member of the Textile Fiber Society; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Cleveland L. Adams for his many achievements and particularly upon becoming the first recipient of the Southern Textile Chair of the School of Engineering at Auburn University.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 893

H.J.R. 404—Coburn

HOUSE JOINT RESOLUTION

COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

WHEREAS, former Alabamian John Henry Faulk was associated with CBS Television Network for several years; and

WHEREAS, this Union Springs, Alabama native is now living in the State of Texas and has recently written a book entitled "Fear on Trial;" and

WHEREAS, "Fear on Trial" will be dramatized this Thursday, October 2, 1975, on CBS Television; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend former Alabamian John Henry Faulk and wish him well with his new book, "Fear on Trial."

Approved October 8, 1975.

Time: 5:00 P.M.

Net No. 894

H.J.R. 406—Warren

HOUSE JOINT RESOLUTION

COMMENDING VICTORIA POPE AT THE END OF HER REIGN AS THE NATIONAL PRESIDENT OF THE FUTURE HOMEMAKERS OF AMERICA

WHEREAS, Victoria Pope of Castleberry, Alabama, was the first Alabamian from any youth organization ever elected as national president; and

WHEREAS, Miss Pope was the 1974-75 National President of the Future Homemakers of America and has just ended her reign; and

WHEREAS, while President she represented F.H.A. at many meetings including the national meetings of Future Farmers of America held in Kansas City and the American Vocational Association held in New Orleans, and additionally met with Mrs. Betty Ford, Vice President Nelson Rockefeller and President Gerald R. Ford; and

WHEREAS, Victoria Pope's grace, charm and intelligence during her reign as president have brought much honor and a sense of pride to the State of Alabama, the town of Castleberry, and her school, Conecuh County High School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend and congratulate Miss Victoria Pope on her exemplary conduct of the office of National President of the Future Homemakers of America 1974-75.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Victoria Pope and her parents, Mr. and Mrs. Wayne Pope.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 895

H. 159—Lutz, Riddick, Smith (B), Gregg,
Moore (W), Albright

AN ACT

Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intent of the legislature that this act shall be a guide to judicial officers in Madison County, as defined herein, to insure that no person be needlessly detained in said county because of his personal economic circumstances so long as his release shall not be contrary to the public interest and also shall serve the purpose of assuring the defendant's presence at the trial. It is not the intent of the legislature that this act be so liberally construed as to allow the indiscriminate release of accused person.

Section 2. Definitions. As used in this act, the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in the Twenty-Third Judicial Circuit, any probate judge in Madison County, any county court judge or judge of any other court created in lieu thereof, or city recorder or equivalent thereof in Madison County. The term "judicial officer" shall not include the person occupying the officer of warrant magistrate.

Section 3. (a) Any person in Madison County charged with an offense, may, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the judicial officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assur-

ance, any combination of the following conditions:

(1) place the person in the custody of a designated person agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in a specified amount and the deposit with the clerk of the court, in cash or other security as directed, of a sum not to exceed 10 per cent of the amount of the bond, 90 per cent of such deposit to be returned upon the performance of the conditions of release;

(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(5) impose any additional condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure the appearance of a person as required, the judicial officer shall, on the basis of available information as presented by the state or its representative, or the defendant, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. The judicial officer shall, in making such factual determinations, bear in mind that this act has two purposes, one of which is to assure the presence of the defendant at trial and the other of which is to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, or pending appeal, when detention serves neither the ends of justice nor the public interest.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in Section 4.

(d) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend

his order to impose additional or different conditions of release.

(e) If it is determined that custody or detention pursuant to Section 3 (a) (5) is required, all time spent in custody or detention shall count as part of any sentence to hard labor for the county or confinement in the county jail subsequently received by the person detained as a result of the charge or charges for which he was arrested and detained.

(f) The judicial officer shall determine the conditions of release as herein provided when the defendant is brought before him for preliminary examination or at such other time as the judicial officer may direct.

Section 4. (a) Whoever, having been released pursuant to this act, willfully fails to appear before any court or judicial officer as required, shall incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall be guilty of a misdemeanor.

(b) Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear in willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether the failure to appear was willful.

(c) This section applies to a defendant even if he has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

Section 5. (a) A person who has been conditionally released pursuant to Section 3 and who has violated a condition of release shall be subject to revocation or release and to prosecution for contempt of court.

(b) Proceedings for revocation of release may be initiated on motion of the district attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by any officer authorized to issue warrants and the person shall be brought before a judicial officer in the county. No order or revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his release due to inattention, negligence, or by act of will.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is established that the person has violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person

found guilty of contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000, or both.

Section 6. (a) A person who has been conditionally released pursuant to Section 3 and as to whom there is probable cause to believe he has committed a felony while released shall be subject to revocation of release.

(b) Proceedings for revocation of release may be initiated on motion of the district attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a state or federal magistrate, judge, judicial officer, or grand jury has found probable cause to believe that the person has committed a felony and (2) such felony, was committed while the person was released on the prior charge.

Section 7. Any person engaged in the business of undertaking to act as surety on bail bonds in Madison County, or any servant, agent or employee of any person, firm or corporation engaged in the business of acting as surety on bail bonds in Madison County who shall pay a fee or rebate or give or promise to give anything of value including any stock or beneficial interest in a surety or bail bond company to a sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or to any public official or public employee in order to induce any such sheriff, policeman, peace officer, warrant magistrate, or other public official or employee, to favor any person, firm or corporation in any activities related to the bail bond business, including, but not limited to, the approval or disapproval of bail bonds, and access to any jail where prisoners are housed, shall be guilty of bribery and shall be punished as prescribed by Code of Alabama 1940, as amended, Title 14, Section 63.

Section 8. Any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or any public official or employee, who receives a fee or rebate or receives or agrees to receive anything of value, including any stock or a beneficial interest in a surety or bail bond company, from any person engaged in the bail bond business, or from any person acting as the servant, agent or employee of any person, firm, or corporation engaged in the bail bond business or otherwise engaged in the business of undertaking to act as surety on bail bonds, with an understanding, expressed or implied, that his actions, decisions or judgment will be influenced thereby or that he will favor any person, firm or corporation in the approval or disapproval of bail bonds or in

granting access to any jail where prisoners are kept, shall be guilty of accepting a bribe and shall be punished as prescribed by Code of Alabama 1940, as amended, Title 14, Section 64.

Section 9. All forfeitures of cash or other security deposited with the clerk of any court, and all deposits otherwise retained pursuant to the provisions of Section 3(a) (3) and Section 4(a) of this act shall be paid over to the Madison County Commission or other like governing body to be used to implement the provisions of this Act.

Section 10. The Madison County Commission is hereby authorized to create the office of Administration for the pre-trial release program hereby created which shall be headed by an officer known as the Administrator of the Pre-Trial Release Program of Madison County. Immediately upon the implementation of the release program herein provided, the county governing body of Madison County may appoint an administrator, and may provide personnel and facilities required to maintain the office of Administration. The said administrator shall be subject to the provisions of law pertaining to the Madison County Personnel System. The administrator shall be charged with the general administrative, supervisory and co-ordinating duties of the release program, including specifically, but not limited to, the keeping of complete records pursuant to the program, and the coordination and dissemination of all materials and information between the circuit judges' offices, the district attorney's office and the sheriff's department of Madison County in order to implement and facilitate the provisions of this act. The administrator shall be authorized to use directly in his operations any personnel of the sheriff's department, the district attorney's office or the work-release program, with the cooperation and consent of these various agencies.

The salaries of the administrator and any personnel which may be authorized and employed in the Office of Administration of the Pre-Trial Release Program shall be set by The Madison County Personnel Board and shall be payable from the county general fund in equal monthly installments.

Section 11. Upon the enactment of this act, the governing body of Madison County shall appoint a Citizen's Committee of the Pre-Trial Release Program. The committee shall consist of 5 members, one appointed by each of the five members of the county governing body. No appointed member of the committee shall be eligible to serve if such person is an elected official of the state or county, and no more than one lawyer shall be a member of the committee at any time.

Upon the first state legislative day of 1976 said Citizens' Committee shall report to the legislative delegation and the

county governing body of said county of its opinions and estimates of costs involved in the pre-trial release program, the feasibility of such program, and any suggestions relating to possible amendments to this act, including suggested new sources of revenue to accommodate any proposed changes or amendments.

Section 12. Nothing in this act shall interfere with or prevent the exercise by any court of Alabama of its power to punish for contempt.

Section 13. The procedures prescribed in this act shall be cumulative and in addition to all other bail and release procedures provided by law.

Section 14. The provisions of this act are severable, and if any part hereof is declared invalid or unconstitutional, such declaration shall not affect the remaining parts thereof.

Section 15. All laws or parts of laws which conflict with this act are repealed.

Section 16. This Act shall become effective on October 1, 1976 provided, however, that the Madison County Governing body by resolution may cause this act to be implemented at any time after the first day of the Regular Session of the Legislature of 1976 if they should determine that the legislature does not create a financial hardship for the county.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 896

H. 357—Sonnier, Malone, Kennedy,
Sandusky, LeFlore, Cooper

AN ACT

To apply only in Mobile County providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States

without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. It is specifically provided, however, that, if the party calling a witness expressly requests in writing that the subpoena be delivered to such witness personally by the sheriff or one of his deputies in person, such witness shall be so served. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instantler. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 897

H. 376—Callahan

AN ACT

Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The County governing body of Mobile County is hereby authorized to use any monies in the general fund of said County for the purpose of paying doctor, medical, hospitalization or any expenses required for rehabilitation as a result of any accidental injury incurred by any County employee who is injured in the line of duty and shall be authorized to make any necessary appropriations in its budget to cover such contingences.

SECTION 2. The provisions of this Act shall be retroactive to January 1, 1973.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 898

H. 1390—McCluskey

AN ACT

Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Coosa County is hereby granted an allowance not to exceed \$5,000 per year, for the purpose of hiring one or more clerical personnel in such office. The allowance herein provided shall be payable from the county general funds, in monthly installments, not to exceed the prescribed annual amount. Provided however that said allowance shall not be paid unless funds are paid to clerical personnel.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 899

H. 1456—Rich

AN ACT

Relating to the coroner's office in all counties having populations of not less than 15,400 nor more than 15,625 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in all counties having populations of not less than 15,400 nor more than 15,625 inhabitants according to the most recent decennial census, is hereby authorized to appoint a qualified person to serve as deputy coroner in the absence of the coroner or during periods when the coroner may be incapacitated. When called upon to serve, the deputy coroner shall have the same legal authority and responsibility as the coroner. The compensation the deputy coroner receives shall not

exceed ten dollars per day and shall only be paid on those days in which an official act is performed. The compensation shall not exceed forty dollars for any calendar month. The compensation shall be paid from the general fund of all such counties.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 900

H. 1545—Carothers, Crawford, Smith (J)

AN ACT

To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and the corporate limits of the City of Dothan in Houston County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all the following described territory, to wit:

A two hundred foot wide parcel of land lying one hundred feet on each side of a line described as follows: Beginning at a point on the north line of Section 7, T2N, R27E, where the centerline of the Atlanta and Saint Andrews Bay Railway intersects the north line of the above said section; thence running southeasterly along the centerline of said railway to its intersection with Third Avenue and being in said Section 7;

Also, a parcel of land in Houston County, Alabama, and being more particularly described as follows: Beginning at the southwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, T2N, R27E, and thence N4°-16'W along the west line of said forty 654.4 feet; thence N87°-38'E, 550.9 feet to the westerly side of the Atlanta and Saint Andrews Bay Railroad; thence S27°-40' E along the westerly side of said railroad 1,017.2 feet to the westerly side of Third Avenue Extension; thence S12°-15'W along the westerly side of the said road 116.89 feet; thence N27°-40'W, 156.27 feet; thence S61°-54'W, 939.39 feet to the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 7;

thence $N4^{\circ}-16'W$ along the west line of said forty, 645.6 feet to the point of beginning. Said parcel of land being in the $E \frac{1}{2}$ of the $SW \frac{1}{4}$ of Section 7, T2N, R27E, and containing 19.42 acres, more or less;

Also, a lot or parcel of land in Houston County, Alabama, and being more particularly described as follows: Beginning at a point on the west line of the $NE \frac{1}{4}$ of the $SW \frac{1}{4}$ of Section 7, T2N, R27E, 654.4 feet in a direction of $N4^{\circ}-16'W$ from the southwest corner of said forty and thence continuing $N4^{\circ}-16'W$ along the west line of said forty, 255.59 feet; thence $N62^{\circ}-20'E$, 396.55 feet to the westerly side of the Atlanta and Saint Andrews Bay Railroad; thence $S27^{\circ}-40'E$ along the westerly side of said railroad, 470 feet; thence $S87^{\circ}-38'W$, 550.9 feet to the point of beginning. Said parcel of land being in the $NE \frac{1}{4}$ of the $SW \frac{1}{4}$ of Section 7, T2N, R27E, and said excepted parcel containing 3.74 acres, more or less;

Also, the $E \frac{1}{2}$ of Section 11 and the $W \frac{1}{2}$ of Section 12, T2N, R26E;

Also, all that portion of the $W \frac{1}{2}$ of the $SW \frac{1}{4}$ and the $W \frac{1}{2}$ of the $NW \frac{1}{4}$ of Section 20, T3N, R26E, lying south of Flowers Chapel Road;

Also, all that portion of Section 20, T3N, R26E, lying north of the south right-of-way line of Flowers Chapel Road;

Also, all that portion of Section 19, T3N, R26E, lying north of the south right-of-way line of Flowers Chapel Road less and except Spann Brothers Estates S/D a map or plat of which is recorded in Plat Book 4, Page 37, in the Office of the Judge of Probate, Houston County, Alabama, and $SW \frac{1}{4}$ of $NW \frac{1}{4}$ and $NW \frac{1}{4}$ of $SW \frac{1}{4}$ of said Section 19, T3N, R26N, which is a part of the property commonly known as the "Q. B. Buckhalt Property";

Also, all of Section 24, T3N, R25E;

Also, the $E \frac{1}{2}$ of the $NE \frac{1}{4}$ and the $E \frac{1}{2}$ of the $SE \frac{1}{4}$ of Section 23, T3N, R25E;

Also, Section 13, T3N, R25E, less and except the $NE \frac{1}{4}$ of the $NE \frac{1}{4}$;

Also, the $E \frac{1}{2}$ of the $NE \frac{1}{4}$ and the $E \frac{1}{2}$ of the $SE \frac{1}{4}$ of Section 14, T3N, R25E;

Also, all that portion of the $W \frac{1}{2}$ of Section 12 and the $W \frac{1}{2}$ of the $SE \frac{1}{4}$ of Section 12 lying south of the Little Choctawhatchee River in T3N, R25E;

Also, Section 18, T3N, R26E, less and except the $NE \frac{1}{4}$ of the $NE \frac{1}{4}$ and the $N \frac{1}{2}$ of the $NW \frac{1}{4}$ of the $NE \frac{1}{4}$ and

less and except that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying north of U. S. Highway 84 and west of Houston County Highway 56;

Also, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, T3N, R26E;

Also, all that part of Section 8, T3N, R26E, lying west of Haven Road;

Also, Marlowe Estates S/D, a plat of which is recorded in Plat Book 6, Page 38 in the Office of the Judge of Probate, Houston County, Alabama. Also, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, T3N, R26E, less and except the following described parcel: Beginning at the point of intersection of the west line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8 and the south right-of-way line of Burbank Street; thence N89°-20'E, a distance of 990 feet; thence S01°-30'E, 912.95 feet; thence S89°-17'E, 106.83 feet; thence S03°-21'E, 414.13 feet; thence N86°-55'W, 1071.46 feet to the west line of the above forty; thence N03°-24'W, 1273.68 feet to the point of beginning;

Also, all that portion of Section 5, T3N, R26E, lying west of Haven Road (John D. Odom Road) and that part of E $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, lying north of Murphy Mill Road;

Also, Section 32, T4N, R26E, less the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T4N, R26E;

Also, that part of Section 33, T4N, R26E, lying west of the east right-of-way line of Napier Field Road. Also, Sunny Heights S/D Phase 3, a plat of which is recorded in Plat Book 4, Page 50, in the Office of the Judge of Probate, Houston County, Alabama. Also, Grand Acres S/D, a plat of which is recorded in Plat Book 4, Page 71, in the Office of the Judge of Probate, Houston County, Alabama. Also, Sunny Heights S/D Phase 1, a plat of which is recorded in Plat Book 4, Page 31, in the Office of the Judge of Probate, Houston County, Alabama. Also, Lot 11, Block B, Lots 1 and 2, Block C, Lots 1 through 10, Block D, and Lot 1, Block E, all in Sunny Heights Phase 2, a plat of which is recorded in Plat Book 4, Page 32, in the Office of the Judge of Probate, Houston County, Alabama;

Also, all that part of Section 34, T4N, R26E, lying east of Denton Road.

Also, Section 35, T4N, R26E, less and except the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SW $\frac{1}{4}$ thereof;

Also, Section 36, T4N, R26E;

Also, Section 31, T4N, R27E, less and except the north half; the N $\frac{1}{2}$ of the S $\frac{1}{4}$; and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, thereof;

Also, Section 30, T4N, R27E, less and except the N $\frac{1}{2}$ of the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thereof; and less and except the NE $\frac{1}{4}$ of said section 30;

Also, Section 19, T4N, R27E; less and except the E $\frac{1}{2}$ of said section;

Also, Section 24, T4N, R26E;

Also, Section 25, T4N, R26E;

Also, all of Section 26, T4N, R26E, lying east of the west right-of-way line of Harrison Road. Also, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 26, T4N, R26E. Also, a parcel of land described as follows: Beginning at the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T4N, R26E, and running west 210 feet; thence south 152 feet; thence east 210 feet; thence north 152 feet to the point of beginning, and being in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T4N, R26E;

Also, Section 23, T4N, R26E, less and except the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$;

Also, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and all that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying north of Omussee Creek all in Section 3, T3N, R27E.

All of the above described parcels being located in Houston County, Alabama.

Section 2. This Act shall go into effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 901

H. 1740—Taylor, Ford, Rich

AN ACT

To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, con-

struct, enlarge and operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other debts of the Authority shall not constitute a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds; including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. The history of cities and the courses of legislatures throughout America, including the Alabama Legislature, confirm that the public welfare requires that cities of not less than 50,000 nor more than 60,000 population, and parking authorities thereof, be authorized to provide off-street parking facilities.

The Law Review of National Institute of Municipal Law Officers (1968 Ed.) reports that prior to World War II there were almost no municipal off-street parking facilities, and that survey made in 1966, covering 1,517 cities, showed that "fully 48 percent of municipal parking spaces are located in off-street lots and garages." State legislatures throughout the Union have provided for cities to furnish off-street parking facilities.

By Act No. 90 of the 2nd Extra Session of 1965 (Ala. Acts, 2nd and 3rd Special Sessions, 1965, p. 119) this legislature declared that because of the serious traffic congestion on streets of cities having a population of between 70,000 and 120,000 and the inadequacy of off-street parking facilities therein, public welfare required the legislature to authorize

such cities to provide off-street parking facilities, which Act No. 90 did.

It is hereby declared that the free circulation of traffic on the streets of cities having a population of not less than 50,000 nor more than 60,000 is necessary to the health, safety and general welfare of the public; that the greatly increased use of motor vehicles has caused serious traffic congestion on the streets of such cities; that the parking of motor vehicles has contributed to such congestion; that such congestion prevents the free flow of traffic through such cities, impedes effective firefighting and the disposition of police forces, and threatens irreparable loss in the values of urban property, which can no longer be readily reached by vehicular traffic; that parking facilities in such cities are grossly inadequate; that private enterprise has not been able to solve the problem, because private parking lots are frequently temporary in nature, located without regard for actual parking requirements, with vacant land being used for parking purposes in more or less haphazard fashion, to earn something from the land pending some construction thereon; that as a consequence of the extreme shortage of parking space in the central business districts of the city those operating parking facilities impose upon the public by charging grossly excessive and oppressive fees for parking; that the inadequacy of parking space is harmful to the public convenience, health, safety and welfare; that the inadequate off-street parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity which the public welfare and convenience require.

Section 2. Application of Act. This Act shall apply to each city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census, and to no other city.

Section 3. Definitions. Unless the context plainly indicates otherwise, the following words and terms shall have the meanings hereby ascribed to them: "the city" means a city subject to this Act; "state" means the State of Alabama; "Authority" means a public corporation organized under this Act; "Board" means the Board of Directors of the Authority; "Director" means a member of the Board; "Bond" means any bond authorized to be issued under this Act; "Coupon" means any interest coupon evidencing an installment of interest payable with respect to a bond; "governing body" means the body in which the general legislative powers of the city are vested; "indenture" means a mortgage, an indenture of mortgage, deed of trust, trust agreement, or trust indenture executed by

the Authority as security for its bonds; "parking facility" means any building, structure, land, right-of-way, equipment or instrumentality used or useful in connection with the construction, enlargement, development, maintenance or operation of an area or building for off-street parking of motor vehicles, or in connection with the exercise of any power of the Authority.

Section 4. Authority and Procedure to Incorporate. Pursuant to the provisions of this Act, a municipal parking authority may be organized in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census. Such parking authority shall be organized as a public corporation with the powers hereinafter set forth. To organize such corporation, not less than three natural persons shall file with the governing body of the city an application in writing for permission to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If the governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then the said applicants shall become a public corporation in the manner hereinafter provided, using for that purpose the form of certificate so approved.

Section 5. Contents of Certificate of Incorporation. The certificate of incorporation of the Authority shall state: (a) the names of the persons forming the Authority, together with residence of each, and a statement that each of them is a duly qualified elector of the city and is the owner of property in the city; (b) the name of the Authority (which shall include the words "Parking Authority"); (c) the period for the duration of the Authority (if the duration is to be perpetual, that fact shall be so stated); (d) the name of the city authorizing the creation of the Authority, together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the Authority; (e) the proposed location of the principal office of the Authority, which shall be within the boundaries of the city; and (f) any other matters relating to the Authority that the incorporators choose to insert and that are not inconsistent with this Act or other laws of the state.

Section 6. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the Authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds and shall have attached thereto a certified copy of the resolution provided for in Section 4 hereof and a

certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the Authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the Authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the Authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers herein granted.

Section 7. Change of Name and Amendment of Certificate of Incorporation. From time to time the name of the Authority may be changed and the certificate may be amended in the manner provided for in this Section 7 and in no other manner.

The name of the Authority may be changed, or the certificate may be amended, in accordance with any resolution of the Board of Directors, providing for any such change of name or amendment of the certificate, filed in the office of the Probate Judge of the County, in accordance with the provisions of this Section 7. No such resolution of the Board of Directors shall be filed in the office of the Probate Judge unless there is attached thereto a duly certified copy of a resolution of the governing body, entered upon the minutes of such governing body, approving such resolution of the Board of Directors; and if such resolution provides for a change in the name of the Authority, the resolution shall not be filed in the office of the Probate Judge unless there is attached thereto a certificate by the Secretary of State of the State that the name is to be adopted by the change is not identical with that of any other corporation in the State or so nearly similar thereto as to lead to confusion and uncertainty. The amendment of the certificate, or the change of name, as the case may be, shall become effective when there is filed in the office of the Probate Judge the resolution of the Board of Directors, accompanied by the resolution of the governing body and the certificate of the Secretary of State, above provided for, if a change of name is involved.

Section 8. Board of Directors of the Authority. Authority shall be governed by a Board of Directors of three members, elected by the governing board of the city. Each member of the Board, or of any county, city or town therein shall, while holding such office, be eligible to serve as a director. The initial directorships shall be numbered 1, 2 and 3. The first

term for directorship 1 shall be for two years. The first term for directorship 2 shall be for three years. The first term for directorship 3 shall be for four years. Irrespective of when the first elections for the three directorships occur, the first terms provided for above, shall commence on, or run from, the first day of the first calendar month next succeeding the month in which this Act becomes applicable to the city. The terms for all directorships subsequent to the first term, provided therefor, shall be for four years, with the terms commencing upon the expiration of the first terms which are provided for above respectively for the three directorships.

If a director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner provided for above. Directors shall be eligible for re-election.

A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business but any meeting of such Board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and duties of the Authority. The Board of Directors shall hold regular meetings on the second Tuesday in each month and at such other times as may be provided in the by-laws of the Authority; and such Board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the Authority or any two directors, a special meeting of the Board must be held. Any matter on which the Board of Directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the Board shall be taken by yeas and nays and entered upon the record. All proceedings of the Board shall be reduced to writing by the secretary of the Authority, recorded in a well-bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

No director shall receive any compensation from the Authority; but each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties.

Any director of the Authority may be removed from office by the governing body in the same manner, and on the same grounds as provided for in Section 451, Title 37, Code of Alabama of 1940, for removal of officers appointed by a city council.

Section 9. Officers of the Authority. The officers of the Authority shall consist of a chairman of the Board, a vice-chairman of the Board, a secretary of the Authority, a treasurer of the Authority and such other officers as the Board deems necessary to accomplish the purposes for which the Authority is organized. The chairman and vice-chairman of the Board shall be elected by the Board from its membership, but the secretary, treasurer and other officers need not be members of the Board. The secretary of the Authority shall also be secretary of the Board. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary shall be elected by the Board for a term of one year, and the treasurer and the other officers of the Authority shall be elected by the Board for such term as it deems advisable. Subject to the provisions of its certificate of incorporation, the Authority shall be empowered to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board. The duties of any other officer of the Authority shall be such as are from time to time prescribed by the Board.

Section 10. Powers of the Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form; (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and action; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, eminent domain, or otherwise, property of every description, whether real, personal or mixed, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it, provided, however, that no such Authority shall acquire or lease real property located outside the boundaries of the city; (6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this Act or the exercise of any power granted hereunder; (7) to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities and retail and/or service establishments that may be developed in connection with said parking facilities; (8) to lease or cause to be leased through authorized agencies such facilities or any one or more of them to such tenant or tenants for such period and such compensation or rental and on such conditions as the Authority may prescribe, subject to

the limitations stated in Section 11 of this Act; (9) to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; (10) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (11) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the Authority was organized; (12) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, realtors, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by general rule and other conditions of employment, and, at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will; (13) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility or other property developed, owned or controlled by the Authority in conjunction with said parking facilities; (14) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the Authority; (15) to secure such insurance, including use and occupancy insurance, as the Board may deem advisable; (16) to invest any funds of the Authority that the Board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of this State or any county, city or town therein; (17) to cooperate with the State, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the Board may deem advisable to accomplish the purposes for which the Authority is established; (18) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or be useful; (19) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and (20) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority.

Section 11. Authority's Operating Parking Facilities, or Contracting with a Person to Operate Said Facilities, or Leasing the Facilities. As used in this Section 11, the word "person" means a natural person, a corporation, a partnership or

unincorporated association.

It is hereby declared to be the public policy of this State, with respect to each parking facility, that upon an Authority's acquiring a parking facility the Authority shall carefully consider and decide, whether it is in the public interest that the Authority itself operate such facility, enter into a contract with some person to operate such facility for the Authority, or lease such facility. Among the factors the Authority shall consider in making such decision are the following: (a) the relative efficiency of the alternate operations; (b) the relative economy of the three alternate operations; and (c) the overall advantage and benefit to the Authority and the public of the alternate operations.

In order to make the foregoing determination the Authority shall ascertain the following: the amount necessary in each year to pay the principal of, and interest on, the bonds proposed to be issued to finance the parking facility; the amount necessary to be paid each year to any reserve fund which the Board deems is advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured.

The Board shall not enter into any lease of the parking facility unless the lease provides for the lessee to pay to the Authority an amount sufficient to meet the amortization requirements during the term of the lease and to pay the cost of keeping the parking facility in good repair and keeping it properly insured, unless the lease obligates the lessee, at lessee's expense, to keep the facility in good repair and properly insured.

The lease agreement may, at the discretion of the Board, contain provisions describing minimum operating hours, maximum charges to be collected by the lessee, and other terms the lessee will be required to observe in operating the parking facility.

Section 12. Federal and State Aid. The Authority is hereby authorized to accept, receive, receipt for, disburse and expend Federal and State moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this Act. All Federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are not inconsis-

ent with the laws of this State, and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by law.

Section 13. Cooperation. For the purpose of aiding and cooperating with the Authority in the planning development, undertaking, construction, extension, improvement or operation of parking facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

(a) Lend or donate money to the Authority;

(b) Donate, transfer, assign, sell or convey to the Authority any right, title, or interest which it may have in any lease, contract, agreement, license or property;

(c) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction or operation of parking facilities.

Section 14. Bonds of the Authority. The Authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on all such bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the Authority from the operation of any or all of its parking facilities and other property, or by mortgage of any property of the Authority. None of the bonds issued or contracts entered into by the Authority shall ever constitute or create an obligation or debt of the State, or of any county, city or town within the State, or a charge against the credit or taxing powers of the State, or of any county, city or town within the State unless specifically authorized and approved by any said county, city or town within the State. Bonds of the Authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the State, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this Act and as may be provided in the proceedings of the Board wherein the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall be made subject to the redemption at the option of

the Authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the Board wherein it is authorized to be issued. Bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the Board. The Authority may pay all reasonable expenses, premiums, fees and commissions as the Board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. Neither a public hearing nor consent of the State Department of Finance shall be prerequisite to the issuance of bonds by any Authority. Notwithstanding the fact that they are payable solely from a specified source, all bonds issued under the provisions of this Act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the State if they otherwise possess all the characteristics of negotiable instruments under the laws of the State.

Section 15. Execution of Bonds. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority and the seal of the Authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the bonds.

Section 16. Security for Bonds. In the discretion of the Authority any bonds may be issued under and secured by an indenture between the Authority and a trustee. Said trustee may be a private person or corporation, including but not limited to any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds the Authority may pledge, for pay-

ment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture the Authority may mortgage any of its properties, including any properties thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority and any property of the Authority so mortgaged shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county in which is located the principal office of the Authority. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the Board, the principal amount of bonds issued, a brief description of the revenues so pledged and also a brief description of any property mortgaged or any property the revenue from which is pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its parking facilities, the Authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenues due to or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building or structure owned by the Authority, the creation and maintenance of special funds from any revenue of the Authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as the Board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by the Authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the Authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the Board and officers of the Authority, and shall be entitled as a matter of right and

regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the Authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 17. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the parking facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such facilities; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the facilities; the cost of landscaping the lands forming a part of such facilities and of constructing and installing roads, sidewalks, curbs, gutters and utilities in connection with the facilities; legal, fiscal and recording fees and expenses incurred in connection with such facilities; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding months after completion of such construction and equipment. If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of the bonds of the same issue.

Section 18. Refunding Bonds. The Authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the Authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be re-

funded shall not be compelled without their consent to surrender their bonds or coupons for payment of exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to bonds of the Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the Authority. The Authority may at any time and from time to time issue bonds for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to the portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 19. Exemption from Taxation. The bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State. All property and income of the Authority shall be exempt from all State, county, municipal and other local taxation, including license, privilege or excise taxes, provided, however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of or on any parking facility owned by any Authority from the payment of any taxes levied by the State, the county, or any municipality in the State.

Section 20. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this State is authorized in its discretion to invest in bonds of the Authority any idle or surplus money held in its treasury.

Section 21. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such bonds shall be legal investments for savings banks and insurance companies organized under the laws of the State.

Section 22. Notice of Bond Resolution. Upon the adoption by the Board of any resolution providing for the issuance of bonds, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this State not less than five days in each calendar week and distributed in the county in which is located the principal office of the Authority, a notice in substantially the following form (the blanks being properly filled

in) at the end of which there shall be printed the name and title of either the chairman or secretary of the Authority: "..... a public corporation of the State of Alabama, on the day of,, authorized the issuance of \$..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds of the validity of the pledge and any instruments made to secure such bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attaching the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 23. Contracting and Purchasing Restrictions. Laws, regulations and ordinances relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the authorizing subdivision shall be applicable to any authority granted permission to incorporate by said authorizing subdivision. Nothing herein shall exempt such Authorities from laws relating to surety bond requirements for such contracts.

Section 24. (a) At least once every twelve months subsequent to the date whereon an Authority is created hereunder, the City shall appoint an expert accountant who shall make an examination and audit of the records, books and accounts of the Authority and shall make a report in writing to the City and the Authority as to his examination and audit. The accountant's compensation shall be payable out of the funds of the Authority.

(b) The records of the Authority shall constitute public records. Every citizen shall have the right to inspect such records. The officer having custody of such records shall be obligated to furnish to any citizen a certified copy of any such record on the citizen's demand and payment to the Authority of the same fee as is payable to the Probate Judge of the County for furnishing certified copies of records of the Probate Court.

Section 25. Dissolution of Authority. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the Judge of Probate, in the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the Board and sworn to by each member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interest of the Authority in property shall be vested in the City.

Section 26. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 27. Severability Clause. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 28. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved October 8th, 1975.

Time: 5:00 P.M.

Act No. 902

H. 1795—Hill, Greer

AN ACT

Regulating through licensure the occupation of plumbing in Lauderdale County, Alabama; creating a board of plumbers examination and registration in such county for the purpose of examining and licensing master plumbers and journeyman plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS AND SCOPE. This Act shall

apply only in Lauderdale County, Alabama. "Plumbing," as used in this Act, is the installation, repair or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or water-borne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems. A "master plumber," within the meaning and for the purpose of this Act, shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and if such licensee be a firm or corporation, at least one active member of such firm or corporation, must be a duly registered master plumber, actively and continuously connected with the conduct of said business.

A "journeyman plumber" within the meaning of this Act is any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board.

Section 2. PURPOSE AND CONSTRUCTION. This Act shall be construed in furtherance of the purpose thereof, which is the promotion of the public safety, health and general welfare.

Section 3. PLUMBING EXAMINING BOARD. There is hereby created a board to be known as the board of plumbers examination and registration of the county. Said board shall consist of five members, each of whom shall be a citizen of the United States and a resident of the State of Alabama. Members of the board and their successors shall be appointed by the probate judge of the county, and shall hold office for terms of four (4) years or until their successors are appointed and qualified. They shall receive no compensation for their services as members of the Board. Two members shall be master plumbers as defined by this Act, two members shall be journeyman plumbers as defined by this Act, and one member shall be the public health officer of the county.

Section 4. MEETING OF THE PLUMBERS EXAMINING BOARD. The Board shall hold its first meeting not later than forty (40) days following the effective date of this Act, and thereafter shall meet at such intervals as may be necessary for the proper performance of its duties, but in any case not less than once each year. The first meeting of the Board shall be at the county courthouse, and subsequent meetings shall be held at such places in the county as the Board shall direct. At the first meeting of the Board the Board shall

elect one of its members as President of the Board and one of its members as Secretary-Treasurer, and shall designate their terms as such officers. Three (3) members of said Board shall constitute a quorum for the transaction of any business which may come before the Board.

Section 5. DEPOSIT AND DISBURSEMENT OF FUNDS; BOND OF THE SECRETARY-TREASURER. All fees collected hereunder by the Board shall be deposited by the Board in a depository approved by the probate judge of the county. Drafts shall be drawn upon such fund in accordance with the rules and regulations prescribed by the Board.

The Secretary-Treasurer of the Board shall, before entering upon the duties of his office, make and file with the probate judge of the county an official bond in the sum of Five Thousand Dollars (\$5,000.00), premiums on the same to be paid out of the funds of said Board, said bond to be executed by an approved surety company, qualified to do business in Alabama and acceptable to the probate judge.

Section 6. EXAMINATION AND CERTIFICATION. It shall be unlawful for any person, firm or corporation to do or perform or to contract, direct or superintend any plumbing within any incorporated city or town in Lauderdale County unless such person has first received a certificate of competency, hereinafter referred to as "certificate," and unless such certificate is in force and effect at the time such plumbing is done, directed or superintended; except as hereinafter provided.

It shall be the duty of the Board to examine and pass upon the qualification of every person who may apply for a journeyman plumber's certificate upon forms provided by the Board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing, the theory and practice of plumbing installation and construction, and the experience and ability of the applicant in practical plumbing installation and construction; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction, and sufficient experience and ability in plumbing installation and construction to safety and competently apply his knowledge and practice, the Board shall issue to him a certificate, upon his first paying all fees herein prescribed.

It shall be the duty of said Board to examine and pass upon the qualifications of every person who may apply for a master plumber's certificate upon forms provided by the Board. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate, as hereinabove required to be examined, and also upon his knowledge, train-

ing and ability, in the planning, laying out, and supervision of plumbing installation and construction work; and if such applicant for a master's certificate be found to possess the qualifications hereinabove prescribed for issuance of a journeyman's certificate, and also sufficient knowledge, training, and ability to competently and safely plan, lay out and supervise plumbing installation and construction work, he shall be issued a master plumber's certificate by said board. The examination required of an applicant for a permit as a master plumber or journeyman plumber may be waived by the Board as to any person who furnishes satisfactory proof to the Board that he is a person of good moral character, and that he has been actively engaged as a master plumber or as a journeyman plumber, and duly licensed as such under the general laws of the State of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the Board, which application shall be accompanied by an affidavit giving the name or names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work, during said two years of his engaging in said trade. And, provided, further, that said application be filed within six months after the passage of this Act. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four (4) examinations per year shall be conducted, at a time and place prescribed by the Board after reasonable notice thereof.

Section 7. REEXAMINATION. Any person who fails to pass an examination may, upon payment of the regular examination fee, be reexamined at any subsequent examination given by the Board.

Section 8. EXAMINATION FEE. Any person filing application to be examined as a master plumber, shall pay a fee of \$25.00; and any person filing application to be examined as a journeyman plumber, shall pay a fee of \$15.00. Said fees shall accompany the application and shall not be returnable.

Section 9. ANNUAL CERTIFICATE FEES. Before any person engages in the business of master plumber, he shall secure an annual master plumber's certificate for which he shall pay a certificate fee of \$15.00. Before any person engages in the business of, or is employed as, a journeyman plumber he shall secure an annual journeyman plumber's certificate for which he shall pay a fee of \$5.00. The certificates provided for

herein shall be issued by the Board upon the payment of the prescribed fees. All annual certificates shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

Section 10. TEMPORARY CERTIFICATE. The Board may issue a temporary revocable certificate to any person pending such person's examination for a certificate, if such person furnishes satisfactory proof that he holds a license or certificate to practice as a master or journeyman plumber in any state or county wherein plumbers are required to meet prescribed standards before engaging in the trade of master or journeyman plumber. Any such temporary certificate during the effective period thereof, shall have the force and effect of an annual certificate; but no such temporary certificate shall be effective for a period of more than ninety (90) days from the issuance thereof, or until the next examination whichever is longer. Prior to receiving any such temporary certificate, the applicant therefor shall be required to pay to the Board one half of the annual certificate fee provided for master plumber or journeyman plumber, as the case may be.

Section 11. REVOCATION OF CERTIFICATES. The Board may revoke or suspend any certificate if obtained through concealment, misstatement or misrepresentation of any material fact in the application for such certificate, or for a willful violation of any law or ordinance pertaining to the business of the holder of such certificates. Before a certificate may be revoked the holder thereof shall have notice in writing, enumerating the charges against him, and be entitled to a hearing by the Board not sooner than five (5) days from receipt of notice. The holder of such certificate shall be given an opportunity to present testimony, oral or written, and right of cross examination and representation by counsel. All testimony shall be given under oath. The Board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

The decision of the Board shall be based on the evidence produced at the hearing and made a part of the record thereof. Any person whose certificate has been revoked shall not be permitted to apply for a license for one year from the date of revocation.

Hearings shall be conducted by a hearing officer appointed by the Board. Said hearing officer may be a Board member or such other person as the Board may deem fit and proper to hold such hearing. The testimony adduced at said hearing, along with all other proceedings, shall be taken down by a competent stenographer and shall be preserved as a record of

the Board and shall be open to the public inspection at all reasonable times. A copy of said record so adduced shall be furnished to each member of the Board, and no license shall be revoked unless a majority of the Board members concur with the revocation of same.

No license shall be issued to any licensee whose license shall have been revoked by the Board after such hearing until one year after the date of such revocation unless the licensee whose license was so revoked shall enter into a bond with good and sufficient surety in the penal sum of one thousand dollars (\$1000.00) to faithfully comply with the provisions of this Act and of all rules and regulations and codes adopted by the Board, provided, however, that such licensee whose license was so revoked may within five (5) days after such revocation appeal from the Board's decision or revocation to the circuit court of the county.

Section 12. MASTER PLUMBER'S BOND. In order to protect the public from damages arising from plumbing or plumbing work failing to comply with the requirements of any state laws applicable thereto, or with the ordinances of any municipal corporation applicable thereto, it is hereby provided that before any person engages in the business of master plumber, he shall execute and deposit with the judge of probate in the county a bond in the sum of two thousand dollars (\$2000.00). Such bond shall be executed by a surety authorized and qualified to write surety bonds in the State of Alabama, and shall be approved by the probate judge. Such bond shall be conditioned upon all plumbing work done or supervised by such master plumber complying with the provisions of any laws or ordinances relating to plumbing and applicable thereto. Action on such bond may be brought against the principal and surety thereon in the name of, and for the benefit of, any person who suffers damages as a consequence of said master plumber's work not conforming to the requirements of any laws or ordinances pertaining to plumbing and applicable thereto, provided, however, that the aggregate liability of the surety to all persons so damaged shall, in no event, exceed the sum of said bond.

Section 13. WRONGFUL USE OF CERTIFICATE. No person who has obtained a certificate shall allow his name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his certificate; and every person certified shall notify the Board of the address of his place of business and the name under which such business is carried on, and shall give immediate notice to the Board of any change in either.

Section 14. ACTS, WORKS AND CONDUCT PERMIT-

TED, WITHOUT LICENSE. The following acts, work and conduct may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

(A) Plumbing work done by a property owner in or about a building owned or occupied by him so long as such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

(B) Plumbing work done by anyone who is regularly employed or acting as a maintenance man or maintenance engineer incidental to and in connection with the business in which he is employed and engaged, provided said plumbing work is done on the premises of said employer, and such employee does not engage in the occupation of a plumber for the general public.

(C) Maintenance and reinstallation work done upon the premises or equipment of a railroad, other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber for the general public.

(D) Plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

(E) Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations, including fixtures with built-in traps, provided, however, that no person other than a plumber defined by this Act shall be permitted to install traps, closet combinations or commodes.

(F) Any person may install water heaters provided, however, a permit has been obtained from the municipality for such installation where the same is required by municipal ordinance.

(G) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

Section 15. PENALTY. Any person who is convicted of doing or committing any act prohibited hereby, or of failing or omitting to do any act required hereby or of knowingly and

willingly make any false statement to the Board concerning his application to or examination by the Board, with the intent to deceive, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 and not more than \$500.00 for each offense; and each day's violation shall constitute a separate offense.

Section 16. REPEAL OF INCONSISTENT LAWS. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed.

Section 17. If, for any reason, any clause, sentence, subsection, or section, or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 18. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Actt No. 903

H. 1850—Brindley, Jolly

AN ACT

Relating to the thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk-secretary to the district attorney of the thirtieth judicial circuit shall receive a monthly salary of \$200.00 per month to be paid out of the general fund of Blount County.

Section 2. Such clerk-secretary shall do all the clerical and secretarial work required by the district attorney of said thirtieth judicial circuit of Alabama, and shall keep such records and perform such other duties pertaining to the office of the district attorney as shall be instructed or required to do by the district attorney of the judicial circuit. Such clerk-secretary, when directed by the district attorney, may enter the grand jury room when the grand jury is in session for the purpose of taking down the testimony of witnesses and later transcribing

it for the use of the district attorney or his deputies and assistants.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 904

H. 1848—Ford, Taylor, Brindley

AN ACT

To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members

consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the first department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five (\$25.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and

he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.
2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.
3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple

majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city, by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on a identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body, all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10%) of the monthly salaries of each

member of the police and the fire departments, shall be paid by the city clerk to the secretary-treasurer of the board of trustees on the first day of each month; and said 10% of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68% of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68% as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm, association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any mem-

ber of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body, all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10%) of the monthly salaries of each

member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10% of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68% of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon the recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68% as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment

shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40%) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100% of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such

fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of \$700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report per-

sonal gross income on federal income tax returns in excess of \$7,500 but less than \$10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$5,000 but less than \$7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12, Subsection 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon making written application to the board of trustees therefor shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective

June 1, 1980, may then retire at 55% of his or her salary not to exceed \$5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60% of his or her salary not to exceed \$6,000.00 per year.

In no instance however, may any employee be eligible to retire at 55% of his or her salary not to exceed \$5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60% of his or her salary not to exceed \$6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50% of the salary he or she

was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55% of the salary (not to exceed \$5,000.00) he or she was receiving at the time of retirement — effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60% of the salary (not to exceed \$6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.

Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the appoxal, up to a maximu mof 20% of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is

capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to re-instatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or

her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of an active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100% of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100% of all amounts he or she has contributed plus an amount equal to one (1%) per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100% of all amount he or she has contributed plus amount equal to two (2%) per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefor he may be not less than twenty-one (21)

years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date of entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to

pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

To limit the use of public road and bridge funds of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. No monies in the DeKalb County road and bridge fund shall be expended for any purpose other than for the construction, maintenance and repair of roads and bridges in said county under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall such funds be transferred to the general fund or used for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 906

H. 1867—Killian, Mitchem

AN ACT

Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Commission may levy and collect from each producer of coal in DeKalb County, a privilege or license tax to be known as a "severance tax." The rate of said tax shall be established by said county commission.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal and shall be deposited in the general fund of said County to be expended at the discretion of said county commission.

Section 3. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 907

H. 1874—Crowe

AN ACT

Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census.

Section 2. In counties to which this act applies it shall be unlawful for any person to hunt, take, kill or to attempt to hunt, take or kill fox with guns or bow and arrow except during the period provided for gun hunting of deer as set by the department of conservation and natural resources.

Section 3. It shall be unlawful for any person to hang or suspend bait over or within 25 feet of a steel trap used for the taking of fur-bearing animals.

Section 4. It shall be unlawful for any person to use any such steel trap on lands other than lands he owns without marking each trap used with his or her full name and current address.

Section 5. Nothing in this act is intended to prohibit a person from running fox with dogs at any time during the year so long as the person engaged in the running of fox does not possess any guns or bows and arrows, nor is any part of

this act intended to prohibit the taking or killing of fox within three hundred (300) yards of any residence by persons occupying the dwelling, nor is any part of this act intended to prevent the control of fox with guns at any time during the year when such control is necessary due to an outbreak of rabies.

Section 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or six (6) months in jail for each offense.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 908

H. 1883—Sasser

AN ACT

To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census so as to further regulate the days, hours, and places of the meetings of the board of registrars and the compensation of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census are hereby amended to read as follows:

“Section 1. The board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census shall meet at the county seat on thirty separate and several days between the first day of January 1972, and the 10th day of April 1972, and during the same period every two years thereafter, to register persons entitled to register to vote; and on each day on which the board meets it shall remain in session continuously between the hours of 8:30 a.m. and 4:00 p.m. After the effective date of this Act the board shall not visit the several

precincts of the county to register persons applying for registration under the provisions of Section 26, Title 17, Code of Alabama 1940, as amended, but in lieu thereof, shall visit each senior high school located in such county twice during each school year for the purpose of making a complete registration of all persons entitled to register to vote in the county.

"Section 2. Each member of the board shall receive ten dollars per day to be paid by the state and ten dollars per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the regular sessions of the board. For each visit to the senior high schools each member of the board shall receive twenty dollars per day to be paid by the state and twenty dollars per day to be paid by the county to be disbursed on order of the judge of probate.

"Section 3. No part of the compensation paid by the county to the board of registrars shall be released to the members thereof for any day on which the board is in session, except upon the sworn statement of the chairman of said board to the judge of probate that the board of registrars was in session."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 909

H. 1899—Mitchem, Kelley

AN ACT

A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census.

Section 2. In all such counties there is hereby created a

salary commission. Such commission shall set the salaries for all county employees except any public officer or elected official.

Section 3. The county governing body in counties covered by the provisions of this Act shall pay the county employees the salary established by such commission and such employees shall not be entitled to any additional compensation.

Section 4. The Salary Commission in applicable counties shall be composed of five members, appointed by the members of such county's legislative delegation in the following manner: Two members shall have a two-year term of office, two shall have a four-year term of office, and one shall have a five-year term of office. Additionally, the chairman of the county commission shall be a non-voting ex officio member of the Salary Commission.

Section 5. The members of the salary commission shall take office the second Tuesday in January, 1976, and on said date, or as soon thereafter as practical, shall meet and elect a Chairman, Vice Chairman and Secretary. The chairman of said commission or any three members of said commission may call an official meeting at a specific time and at a designated place at either of the courthouse in such counties, and shall give notice to the other members of the time, place and purpose of any such meeting and may exercise any of its powers and duties as herein conferred at any such annual or special meeting. That in the event any official designated to be a member of said commission is ineligible or fails or refuses to serve for any reason, then, such official shall notify the county commission, in writing, of his reason for not serving and the members of the county legislative delegation shall appoint a qualified elector of such county of good character to serve on the commission in his stead.

Section 6. The Salary Commission shall meet when called into official meetings by its Chairman or when called into a meeting by a majority of its members and the compensation therefor shall be thirty-five dollars (\$35.00) per meeting for the first three meetings of each year and in no event shall such compensation in the aggregate exceed the sum of one hundred five dollars (\$105.00) annually.

Section 7. Three members of the Commission shall constitute a quorum but no action of the Commission shall be effective unless three or more votes shall be cast therefor.

Section 8. Any member who shall fail to attend three consecutive meetings shall be deemed to have vacated his office and the vacancy thereby created shall be filled as provided in Section 3 of this Act.

Section 9. All departments heads shall submit to the Salary Commission no later than May 1st of each year their anticipated budget requirements for salaries for the coming year, and the Commission shall afford a hearing to each department head for the purpose of setting salaries. The Salary Commission shall certify to the chairman of the county governing body its determination of salaries for each department no later than August 31 each year.

Section 10. At any of its meetings the Salary Commission shall be authorized to establish salaries for any and all employees of the county by increasing or decreasing the salary then being paid or by establishing and setting a salary for any new position created or new personnel employed. The Salary Commission may establish and set guidelines, including job descriptions, work experience, length of service, and schedule of categories to establish and set salaries.

Section 11. The Secretary of the Salary Commission shall forthwith certify the Commission's Salary determinations to the chairman of the county governing body, and such established salary shall be effective beginning with the first pay period 60 days following the certification to the chairman of the county governing body, unless a later date shall be provided by the Salary Commission.

Section 12. The Chairman of the county governing body, or like official, shall furnish the salary commission such clerical assistance, as required to fulfill its duties, from the county personnel assigned to his office.

Section 13. It shall be the duty of the Secretary of the Salary Commission to maintain complete and accurate minutes of all the meetings, actions and activities of the Commission, and the voting of each individual member by "ayes or naves" shall be recorded therein. Such records shall be kept on file in the office of the chairman, or like official, of the county governing body. Such minutes shall be a public record and shall be open to the public for inspection during all reasonable hours.

Section 14. Until the provisions of this act shall take effect and the Salary Commission created herein shall render its initial salary determination to the chairman, or like official, of the county governing body, all employees of the county shall continue to be compensated at their present salary.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. Act No. 800, H. 1916, 1973 Regular Session,

(1973 Acts p. 1216) and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 910

H. 1905—Naramore, Crowe

AN ACT

To amend Section 13 and 14(a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper, in relation to the number of days an employee can be suspended without right of hearing; and permitting any citizen to file charges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper (Acts Special Session, 1965, p. 162) is hereby amended to read as follows:

Section 13. An appointing authority shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest in the event an employee is suspended for more than five working days, he shall be entitled to a public hearing by the Board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the Board determines that the action of the appointing authority was not with cause, the suspension shall be revoked."

Section 2. Section 14(a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper (Acts Special 1965, p. 162) is hereby amended to read as follows:

"Section 14. (a) The governing of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the Board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of

his discharge, removal, or demotion in which to appeal to the Board. The Board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this Act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. Charges may be filed by any United States citizen as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the Board or before any person authorized to administer oaths. Upon the receipt of such charges, the Board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the Board. If in the judgment of the Board such charges are of a minor nature, such charges may be referred by the proper department head who shall make an investigation of the charges and make his recommendation to the Board within such time as the Board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the Board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complaint or the affected employee, or both of them, objects to the recommendation of the department head, the Board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the Board shall be open to the public. All testimony given in all hearings before the Board shall be taken down in shorthand by a stenographer. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case. In all proceedings before the Board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof.

or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the Board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the Board as may be requested by it.

The Board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearings, investigation, or proceeding within the purview of this Act. The chief of police or some other police officer of the city shall serve all processes of the Board, and shall attend upon and preserve order at all public hearings conducted by the Board. In case a person refuses to obey such subpoena, the Board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the treasury of the city."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975.

Time: 5:00 P.M.

Act No. 911

H. 1906—Crowe, Naramore

AN ACT

To amend Sections 2 and 3 of Act No. 1067, S. 938, Regular Session of 1973 (Acts 1973, p. 1802) which act provides for a county commission in all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census so as to provide further for the election of the members of said commission and to provide further for the meetings of said commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 1067, S. 938, Regu-

lar Session of 1973 (Acts 1973, p. 1802) are hereby amended to read as follows:

“Section 2. After this act takes effect the governing body of Walker County shall be Walker County Commission, and shall consist of a president and four associate members, all of whom shall be qualified electors of Walker County. The president shall be nominated and elected by the qualified electors of the county at large. However, the associate members shall each be nominated and elected by the qualified electors of their respective districts. Each associate member shall at the time of his election and during his continuance in office, be a resident and qualified elector of the district for which he is elected. Walker County is hereby divided into four districts as follows: District No. 1 shall be composed of the following territory:

Begin at the Northwest corner of Section 19, Township 12 South, Range 8 West;

Thence, Southerly along the section lines to the Southwest corner of the Northwest $\frac{1}{4}$ of Section 6, Township 14 South, Range 8 West;

Thence, Easterly along the South line of the Northwest $\frac{1}{4}$ and the South line of the Northeast $\frac{1}{4}$ of Section 6 to its intersection with the East line of said section;

Thence, Southerly along the section lines to the Southwest corner of Section 8, Township 14 South, Range 8 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 7, Township 14 South, Range 7 Alabama;

Thence, Northerly along said corporate limits to its intersection with the North corporate limits of the City of Jasper;

Thence, Easterly along said corporate limits to its intersection with a Northerly extension of the Southwest fork of the main channel of Town Creek;

Thence, generally Southerly, Southeasterly and Southerly, following the meanderings of the Southwest fork and of the main channel of Town Creek to its intersection with the center line of Wright Street;

Thence, Westerly along the center line of Wright Street to its intersection with the center line of Third Avenue;

Thence, Northerly along the center line of Third Avenue to its intersection with the center of Park Avenue;

Thence, Westerly along the center line of Park Avenue to its intersection with the center line of Fourth Avenue;

Thence, Northerly along the center line of Fourth Avenue to its intersection with the center line of Sixth Street;

Thence, Westerly along the center line of Sixth Street to its intersection with the center line of Ninth Avenue;

Thence, Southerly along the center line of Ninth Avenue to its intersection with the center line of the right-of-way of the Southern Railroad;

Thence, Southeasterly and Southerly along the center line of the right-of-way of the Southern Railroad to its intersection with the South corporate limits of the City of Jasper at a point in Section 21, Township 14 South, Range 7 West;

Thence, Easterly along said corporate limits to its intersection with the East corporate limits of the City of Jasper.

Thence, Northerly along said corporate limits to its intersection with the South line of Section 12, Township 14 South, Range 7 West;

Thence, Easterly along the South line of said Section 12 to the Southeast corner thereof;

Thence, Northerly along the section lines to the Northeast corner of Section 13, Township 13 South, Range 7 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 8, Township 13 South, Range 5 West with the boundary between Walker County, Alabama and Cullman County, Alabama;

Thence, generally Northwesterly along said boundary to its intersection with the boundary between Walker County, Alabama and Winston County, Alabama;

Thence, generally Northwesterly and Westerly along the boundary between Walker and Winston Counties to the Northwest corner of Section 19, Township 12 South, Range 8 West, which is the point of beginning.

District No. 2 shall be composed of the following territory:

Begin at the Northwest corner of Section 19, Township 12 South, Range 10 West on the boundary between Walker County, Alabama and Marion County, Alabama;

Thence, Southerly along said boundary to its intersection with the boundary between Walker County, Alabama and Fayette County, Alabama at the Southwest corner of Section 18, Township 13 South, Range 10 West;

Thence, Southerly along the boundary between Walker and Fayette Counties to the Southwest corner of Section 31,

Township 13 South, Range 10 West;

Thence, Easterly along said boundary to the Northwest corner of Section 6, Township 14 South, Range 9 West;

Thence, Southerly along said boundary to the Southwest corner of Section 31, Township 15 South, Range 9 West;

Thence, Easterly along said boundary to the Southeast corner of Section 36, Township 15 South, Range 9 West;

Thence, Northerly along the section lines to the Southwest corner of Section 19, Township 15 South, Range 8 West;

Thence, Easterly along the South line of said Section 19 to the Southeast corner thereof;

Thence, Northerly along the section lines to the Northwest corner of the Southwest $\frac{1}{4}$ of Section 8, Township 15 South, Range 8 West;

Thence, Easterly along the half section line to intersect with the main channel of Lost Creek at a point on the half section line in Section 10, Township 15 South, Range 8 West;

Thence, Northerly and Northeasterly along the main channel of Lost Creek to its intersection with the South line of Section 2, Township 15 South, Range 8 West;

Thence, Easterly along the South line of said Section 2 to the Southeast corner thereof;

Thence, Northerly along the section lines to the Southwest corner of Section 13, Township 14 South, Range 8 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 18, Township 14 South, Range 7 West with the West corporate limits of the City of Jasper at the Southeast corner of said Section 18;

Thence, Southerly along said corporate limits to its intersection with the South corporate limits of the City of Jasper;

Thence, Easterly along said corporate limits to its intersection with the West corporate limits of the City of Jasper at a point which is the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 14 South, Range 7 West;

Thence, Easterly along the line between the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 20 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 20 to its intersection with the East line of said section;

Thence, Easterly along the line between the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$

of Section 21, Township 14 South, Range 7 West and the line between the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 21 to its intersection with the South corporate limits of the City of Jasper at the Southwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 21;

Thence, Easterly along said corporate limits to its intersection with the center line of the right-of-way of the Southern Railroad;

Thence, Northerly and Northwesterly along the center line of the right-of-way of the Southern Railroad to its intersection with the center line of Ninth Avenue;

Thence, Northerly along the center line of Ninth Avenue to its intersection with the center line of Sixth Street;

Thence, Easterly along the center line of Sixth Street to its intersection with the center line of Fourth Avenue;

Thence, Southerly along the center line of Fourth Avenue to its intersection with the center line of Park Avenue;

Thence, Easterly along the center line of Park Avenue to its intersection with the center line of Third Avenue;

Thence, Southerly along the center line of Third Avenue to its intersection with the center line of Wright Street;

Thence, Easterly along the center line of Wright Street to its intersection with the main channel of Town Creek;

Thence, generally Northerly and Northwesterly, following the meanderings of the main channel and the West fork of the main channel of Town Creek and its Northerly extension to its intersection with the North corporate limits of the City of Jasper;

Thence, Westerly along said North corporate limits to its intersection with the West corporate limits of the City of Jasper;

Thence, Southerly along said West corporate limits to its intersection with the Northeast corner of Section 18, Township 14 South, Range 7 West;

Thence, Westerly along the section lines to the Northwest corner of Section 17, Township 14 South, Range 8 West;

Thence, Northerly along the section lines to the Northeast corner of the Southeast $\frac{1}{4}$ of Section 6, Township 14 South, Range 8 West;

Thence, Westerly along the North line of the Southeast $\frac{1}{4}$

and the North line of the Southwest $\frac{1}{4}$ of said Section 6 to its intersection with the West line of said Section 6, Township 14 South, Range 8 West;

Thence, Northerly along the section lines to the Northeast corner of Section 24, Township 12 South, Range 9 West on the boundary between Walker County, Alabama and Winston County, Alabama;

Thence, Westerly along said boundary between Walker and Winston Counties to the Northwest corner of Section 19, Township 12 South, Range 10 West on the boundary between Walker and Marion Counties, which is the point of beginning.

District No. 3 shall be composed of the following territory:

Begin at the Northwest corner of Section 24, Township 14 South, Range 8 West;

Thence, Southerly along the section lines to the Southwest corner of Section 1, Township 15 South, Range 8 West;

Thence, Westerly along the North line of Section 11, Township 15 South, Range 8 West to its intersection with the main channel of Lost Creek;

Thence, Southwesterly and Southerly along the main channel of Lost Creek to its intersection with the line between the North $\frac{1}{2}$ and the South $\frac{1}{2}$ of Section 10, Township 15 South, Range 8 West;

Thence, Westerly along the half section lines to the Northwest corner of the Southwest $\frac{1}{4}$ of Section 8, Township 15 South, Range 8 West;

Thence, Southerly along the section lines to the Southwest corner of Section 20, Township 15 South, Range 8 West;

Thence, Westerly along the North line of Section 30, Township 15 South, Range 8 West to the Northwest corner thereof;

Thence, Southerly along the section lines to intersect the boundary between Walker County, Alabama and Fayette County, Alabama at the Northwest corner of Section 6, Township 16 South, Range 8 West;

Thence, Southerly along the boundary between Walker and Fayette Counties, to its intersection with the boundary between Walker County, Alabama and Tuscaloosa County, Alabama;

Thence, Easterly along said boundary to the Northwest corner of Section 3, Township 17 South, Range 8 West;

Thence, Southerly along the West line of said Section 3

to the Southwest corner thereof;

Thence, Easterly along the section lines and boundary between Walker and Tuscaloosa Counties to the Northwest corner of Section 7, Township 17 South, Range 7 West;

Thence, Southerly along said boundary to the Southwest corner of Section 31, Township 17 South, Range 7 West;

Thence, Easterly along said boundary to its intersection with the main channel of the Black Warrior River, which is also the boundary between Walker County, Alabama and Jefferson County;

Thence, generally Northeasterly and Northerly, following the meanderings of the main channel of the Black Warrior River, and along said boundary, to its intersection with the main channel of Mulberry Fork on the East line of Section 6, Township 17 South, Range 6 West;

Thence, generally Westerly, Northerly, Northeasterly and Northerly following the meanderings of the main channel of Mulberry Fork to its intersection with the East line of Section 23, Township 14 South, Range 6 West;

Thence, Northerly along the East line of said Section 23 and the East line of Section 14, Township 14 South, Range 6 West to the Northeast corner of said Section 14;

Thence, Westerly along the section lines to the intersection of the North line of Section 13, Township 14 South, Range 7 West with the East corporate limits of the City of Jasper;

Thence, Westerly and Southerly along said corporate limits to its intersection with the South corporate limits of the City of Jasper;

Thence, Westerly along said South corporate limits to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 21, Township 14 South, Range 7 West;

Thence, Westerly along the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 21 and the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 21 to intersect the West line of said section at the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 21;

Thence, Westerly along the South line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 14 South, Range 7 West to intersect the South corporate limits of the City of Jasper at the Southeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 20;

Thence, Westerly along said South corporate limits to its

intersection with the West corporate limits of the City of Jasper;

Thence, Northerly along said West corporate limits to its intersection with the Northeast corner of Section 19, Township 14 South, Range 7 West;

Thence, Westerly along the section lines to the Northwest corner of Section 24, Township 14 South, Range 8 West, which is the point of beginning.

District No. 4 shall be composed of the following territory:

Begin at the Northwest corner of Section 18, Township 13 South, Range 6 West;

Thence, Southerly along the section lines to the Southwest corner of Section 7, Township 14 South, Range 6 West;

Thence, Easterly along the section lines to the Southeast corner of Section 11, Township 14 South, Range 6 West;

Thence, Southerly along the West line of Section 13 Township 14 South, Range 6 West and Southerly along the West line of Section 24, Township 14 South, Range 6 West to its intersection with the main channel of Mulberry Fork;

Thence, generally Southerly, Southwesterly, Southerly and Easterly following the meanderings of the main channel of Mulberry Fork to its intersection with the main channel of Black Warrior River on the East line of Section 6, Township 17 South, Range 6 West, which is also the boundary between Walker County, Alabama and Jefferson County, Alabama;

Thence, generally Northeasterly along said boundary between Walker and Jefferson Counties to its intersection with the boundary between Walker County, Alabama and Blount County, Alabama;

Thence, generally Northerly along said boundary between Walker and Blount Counties to its intersection with the boundary between Walker County, Alabama and Cullman County, Alabama;

Thence, generally Northwesterly along said boundary between Walker and Cullman Counties to its intersection with the North line of Section 17, Township 13 South, Range 5 West;

Thence, Westerly along the section lines to the Northwest corner of Section 18, Township 13 South, Range 6 West, which is the point of beginning.

No person other than a resident qualified elector of one of such districts shall be qualified to represent that district on the new governing body of Walker County hereby established. A president and four associate members of the Walker County

Commission shall be elected at the general election in 1976 and every four years thereafter. They shall hold office for four years from the first Monday after the second Tuesday in January next following their election, and until their successors are elected and qualified."

"Section 3. The governing body of Walker County established by this act shall perform the same functions, exercise the same jurisdiction, authority and powers and perform the same duties prescribed by law for the governing body of Walker County when this act becomes effective, specifically including those duties enumerated in said Act No. 410 of the 1966 Special Session and those specified in Act No. 118 of the 1957 Regular Session, as such acts have been amended or supplemented. The president and associate members of the Walker County Commission, respectively, shall have and exercise the same powers, rights and authority, fulfill the same responsibilities and perform the same duties as those prescribed by law when this act becomes effective for the chairman and associate members of the county governing body of Walker County, including specifically those powers, duties and authority prescribed in said Act No. 410 of the 1966 Special Session and No. 118 of the Regular Session of 1957, as such acts have been amended or supplemented. In addition thereto the commission shall meet every Monday that is not a legal holiday at 9:30 A.M. in the county courthouse and shall hold at least one additional meeting during each quarter of each year at some place in each of the districts into which Walker County is hereinabove divided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 912

H. 1926—Carter

AN ACT

Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the

most recent federal decennial census, all grand and petit jurors are entitled to additional compensation in the amount of ten dollars (\$10.00) for each day's service during the months of June, July, and August, 1975 only. Such compensation shall be in addition to all other compensation heretofore provided by law and shall be paid in the same manner as any other compensation for the stated period.

The Legislature finds and declares that the claim for the additional compensation for jurors arose under such circumstances that the county is justly and equitably obligated to compensate the said jurors, but no legal recourse to recover the same is available.

Section 2. The provisions of this act are curative and remedial and shall have retroactive effect to May 31, 1975, and any actions taken or payments made in accordance with the provisions of this act since said date are hereby ratified, validated and confirmed.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 913

H. 1927—Kelley, Mitchem

AN ACT

Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the sheriff of Marshall County shall be authorized to employ, in addition to all other employees and officials heretofore authorized, a communications and information specialist, said specialist shall manage the sheriff department's participation in the program of the National Communications Information Center, and perform other duties as assigned by the Sheriff of Marshall County.

Section 2. The employee herein provided shall be paid an annual salary not to exceed \$9,000, said compensation to be paid from any fund of Marshall County and disbursed in twelve (12) monthly installments.

Section 3. All laws, or parts of laws, which conflict with this act are hereby repealed.

Section 4. This act shall become effective November 1, 1975.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 914

H. 1928—Kelley, Mitchem

AN ACT

Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 53,000 nor more than 55,000, according to the most recent federal decennial census, there is hereby created a county government study commission, to be composed of seven members appointed by the legislative delegation representing such county.

Section 2. The county government study commission shall make a study of the operations, functions, and structure of the county government and shall report its recommendations relative to needed legislation affecting such county's operations, functions, and governmental structure to the Legislature on or before the tenth legislative day of the 1976 Regular Session; and upon filing such report shall thereupon be dissolved.

Section 3. Members of the county government study commission hereby created shall receive no compensation for their services; however, the county governing body may provide such stenographic or clerical assistance to the commission as is needed in order to prepare the report hereinabove required.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 915

H. 1933—Mitchem, Brindley, Kelley

AN ACT

Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Marshall County shall increase the allowances for the purpose of hiring clerks for the offices of the judge of probate, the tax assessor, and the tax collector, as follows:

- (a) Office of the judge of probate—\$3,000 annually;
- (b) Office of the tax assessor—\$5,000; and
- (c) Office of the tax collector—\$5,000.

These allowances shall be in addition to all other allowances and the payments therefor are authorized from any available public funds of the county.

Section 2. The compensation for the bailiffs of Marshall County shall be increased by \$5.00 per day, such additional compensation to be paid out of the county general fund.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act is cumulative and shall take effect October 1, 1975.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 916

H. 1936—Coburn, Goodwin

AN ACT

To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 355, H. 884 of the Regular Session of 1965 entitled "An Act to provide for and require reindentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 917

H. 1937—Smith (J)

AN ACT

To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section of 277 H. 660, approved August 8, 1973 (Act 1973, Vol. 1, p. 309) is hereby amended so to read as follows: The County Commission, Board of Revenue, or other like governing body of Geneva County is hereby authorized to provide for the Clerk of the Circuit Court, Tax Assessor, and Tax Collector of Geneva County a clerk-hire allowance of \$4,800.00 for each year. The allowance shall be paid when authorized by the Geneva County Commission from the County treasury in equal monthly installments on vouchers signed by the officers entitled to the allowance.

Section 2. This Act is not mandatory but is discretionary, remedial, cumulative and provides additional authority for the betterment of Geneva County.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1975

Time: 5:00 P.M.

Act No. 918

S. 635—St. John

AN ACT

To amend Section 224, Article 12 of the Constitution of 1901, so as to raise the debt limit to provide that no county shall become indebted in an amount including present indebtedness, greater than five percentum of the assessed value of the property therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED CONSTITUTIONAL AMENDMENT

No county shall become indebted in an amount including present indebtedness, greater than five percentum of the assessed value of the property therein. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created.

Section 2. An election on the proposed amendment is ordered to be held on the first Tuesday after the expiration of three (3) months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama of 1940, together with any other statutes applicable thereto.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate as amended September 30, 1975.

Passed the House October 9, 1975.

AN ACT

Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to dispense with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

Be It Enacted by the Legislature of Alabama:

Section 1. Article 4, Section 106 of the Constitution of Alabama is hereby amended to read as follows:

“Section 106. No special, private, or local law shall be passed on any subject not enumerated in section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefore shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the Clerk of the House or Secretary of the Senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the Department of Archives and History where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

“This amendment shall be self-executing, and no enabling legislation shall be necessary.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for at least four successive weeks next preceding the day appointed for the election in a

newspaper in each county in the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House as amended September 2, 1975.

Passed the Senate as amended October 9, 1975.

Passed the House October 9, 1975.

Act No. 920

S. 1155—Gilmore

AN ACT

Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

“Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied an additional tax of nine and three-fourths (9 3/4) mills based upon the value of the property therein as fixed for state taxation; provided the levy of said tax shall first have been approved by the qualified electors of Vestavia Hills as hereinafter provided.

“Section 2. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 shall be levied and collected without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon vote against its approval, the tax shall not be levied unless the issue shall have been again submitted to a vote of the qualified electors of Vestavia Hills and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three

months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate September 16, 1975.

Passed the House October 2, 1975.

Act No. 921 H. 335—Merrill, Owens, Robertson, McNair, Coburn, Crowe, Goodwin, Greer, Starkey, McMillan.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding a total of \$15,000,000.00 principal amount of General Obligation Bonds of the State of Alabama of which \$7,000,000 shall be for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment, and \$2,000,000 shall be for the acquisition, construction, equipment and improvement of a seed technology center and a seed processing facility, and \$6,000,000 shall be for the acquisition, construction and equipment of capital improvements, including, without limitation a facility or facilities for the housing, training, education or rehabilitation of prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“The State of Alabama is authorized to become indebted and to sell and issue interest bearing bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding \$15,000,000. Of the proceeds derived from the sale of said bonds, \$7,000,000 shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment. The improvement of a facility shall be deemed to include the renovation, modernization, remodeling,

and equipment of existing facilities and the construction of additions thereto; and the construction of a facility shall be deemed to include the acquisition of sites and equipment therefor. Proceeds in the amount of \$2,000,000 derived from the sale of bonds provided for herein shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction, equipment and improvement of a seed technology center at Auburn University and a foundation seed processing facility at Headland, Alabama. Of the proceeds derived from the sale of said bonds \$6,000,000 shall be used for the purpose of paying the interest incurred in the sale and issuance of said bonds and for acquisition, construction and equipment of capital improvements, including, without limitation a facility or facilities for the housing, training, education and rehabilitation of prisoners. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest total net interest cost to the state for the bonds offered for sale and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and the interest thereon the full faith and credit of the state are hereby irrevocably pledged. The bonds issued under this amendment and the income therefrom shall be exempt from all taxation in the state. The legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held pursuant to the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation by the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

Constitutional Amendment.

Passed the House as amended September 11, 1975.

Passed the Senate as amended October 9, 1975.

Passed the House October 9, 1975.

Act No. 922

S. 464—Owen, Wilson, Ellis, Powell,
 McDonald (S), Foshee, Bank, Vacca,
 McDonald (A), Givhan, Weaver,
 Littleton, Little, Mims, Mitchell,
 McMillan, Fine, St. John, Shelby,
 Adams, Torbert, Clemon, Pearson
 and Perry

AN ACT

To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 89, Title 36, Code of Alabama 1940, as amended, is hereby further amended to read as follows:

"Section 89. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

"(a) **Width.** No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe shall have a load exceeding 102 inches in width, provided, however, these limits shall not be permitted on any interstates or defense highways where such limits are prohibited by federal statute.

"(b) **Height.** No vehicle or semi-trailer shall exceed in height thirteen and one-half (13½) feet, including load.

"(c) **Length.** No vehicle shall exceed in length forty (40) feet, except that the length of semitrailer trucks, including any part of the body or load, shall not exceed fifty-five (55) feet. No vehicle operated on a highway shall carry any load extending more than a total of five (5) feet beyond both the front and rear, inclusive, of the vehicle.

"(d) **Weight.** (1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand (20,000) pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, however, that inadequate bridges shall be posted to define load limits.

"(2) For the purpose of this Act, an axle load shall be defined as the total load transmitted to the road by all wheels

whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

"(3) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

COMPUTED GROSS WEIGHT TABLE

For various spacing of axle groupings

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 Feet or less	36,000	42,000	42,000		
9 "	38,000	42,500	42,500		
10 "	40,000	43,500	43,500		
11 "		44,000	44,000		
12 "		45,000	50,000	50,000	
13 "		45,500	50,500	50,500	
14 "		46,500	51,500	51,500	
15 "		47,000	52,000	52,000	
16 "		48,000	52,500	58,000	58,000
17 "		48,500	53,500	58,500	58,500
18 "		49,500	54,000	59,000	59,000
19 "		50,000	54,500	60,000	60,000
20 "		51,000	55,500	60,500	66,000
21 "		51,500	56,000	61,000	66,500
22 "		52,500	56,500	61,500	67,000
23 "		53,000	57,500	62,500	68,000
24 "		54,000	58,000	63,000	68,500
25 Feet,		54,500	58,500	63,500	69,000
26 "		56,000	59,500	64,000	69,500
27 "		57,000	60,000	65,000	70,000
28 "		59,000	60,500	65,500	71,000
29 "		60,000	61,500	66,000	71,500
30 "			62,000	66,500	72,000
31 "			63,500	67,000	72,500
32 "			64,500	68,000	73,500
33 "			65,000	69,000	74,000
34 "			65,500	70,000	74,500
35 "			66,500	71,000	75,000
36 "			67,000	72,000	76,000

37 "	68,000	73,000	77,000
38 "	69,000	74,000	78,000
39 "	70,000	75,000	79,000
40 "	71,000	76,000	80,000
41 "	72,000	77,000	81,000
42 "	73,000	78,000	82,000
43 "	74,000	79,000	83,000
44 " and over	75,000	80,000	84,000

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

"No vehicle or combination of vehicles shall be permitted to operate on any portion of the Interstate Highway System of Alabama, that shall have a greater weight than twenty thousand (20,000) pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand (34,000) pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W=500 \left(\frac{LN + 12N + 36}{N-1} \right)$$

where W=overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L=distance in feet between the extreme of any group of two or more consecutive axles, and N=number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including all enforcement tolerances.

"Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. Section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. Section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state.

"Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could

be lawfully operated upon the highways roads of this state on January 4, 1975.

“(4) For purposes of enforcement of subsection (d) of this Section, all scaled weights shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weights.

“(5) Dump trucks, dump trailers, concrete mixing trucks, fuel oil, line trucks, and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of subsection (d) (3) of this section provided that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances, and provided further that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of this subsection (d) (1) of this Section provided that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer; such true gross load not to exceed 66,000 pounds; all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this Sub-section travel upon bridges designated and posted by the Highway Director as incapable of carrying such loads.

“(6) If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

“(7) When portable scales are used in the enforcement of the provisions of this Act, the axles of any vehicle described or commonly referred to as tandem or tri-axle rigs or units (that is vehicles having two or more axles in addition to a steering axle), the group of tandem or tri-axles shall be weighed simultaneously and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight. When portable scales are used to determine the weight of a vehicle pursuant to this Act, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the Department of Agriculture and Industries and operated by a bonded operator within a distance of ten highway miles accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

“(8) Provided further, that the governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

“(9) Provided further, that the state highway department, for cause shall have the right to post or limit any road or bridge to weights less than those prescribed by this Section.

“It is the legislative intent and purpose that the provisions of this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law enforcement officers of the State, any county or city and incorporated towns.

“(10) Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester or husbandman may not be made to conform to the axle requirements (d) (1) of this section or the gross weight requirements of (d) (3) of this section.

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the
contrary notwithstanding on September 18, 1975.

Act No. 923 H. 203—Sandusky, Sonnier, Callahan, Cooper
AN ACT

To provide for the appointment of assistant district attorneys in the Thirteenth Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Thirteenth Judicial Circuit and to repeal Code of Alabama 1940, Title 13, Section 254 and all amendments thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. In the Thirteenth Judicial Circuit of Alabama, the District Attorney of said circuit shall be authorized to appoint eight full time Assistant District Attorneys. Such

Assisant District Attorneys appointed pursuant to this act shall be qualified to practice law in the Courts of this State, shall serve at the pleasure of the appointing District Attorney. Such Assistant District Attorneys shall be state officers and shall perform such duties in the Circuit as the District Attorney may require.

Section 2. The District Attorney shall be authorized to designate one Assistant District Attorney to serve as Chief Assistant District Attorney, two Assistant District Attorneys to serve as Level #1 Assistant District Attorneys, three Assistant District Attorneys to serve as Level #2 Assistant District Attorneys, two Assistant District Attorneys to serve as Level #3 Assistant District Attorneys.

Section 3. The total annual compensation to be received by each Assistant District Attorney shall be computed by the use of levels and steps. Levels shall refer to the amount of legal experience which such Assistant District Attorney had at the time that he is appointed to such office. It is intended to entitle an attorney with applicable legal experience to commence such office at a higher rate of pay than one who has less applicable legal experience. Steps shall refer to the amount of time that such Assistant District Attorney has served in the office as such Assistant District Attorney or the length of time that such officer shall continue. It is intended by this provision to allow periodic increases to pay as incentive for such officer to continue to serve in such office.

Section 4. The annual compensation to be paid the Chief Assistant District Attorney, each of the two (2) Assistant District Attorneys designated as Level #1 Assistant District Attorneys, each of the three (3) Assistant District Attorneys designated as Level #2 Assistant District Attorneys, each of the two (2) Assistant District Attorneys designated as Level #3 Assistant District Attorney shall be as provided in the Schedule of Salaries hereinbelow set out. Of the total annual Compensation to be paid each of the aforementioned eight (8) Assistant District Attorneys each shall be paid an annual salary by the State of Alabama of \$9,000.00, payable from the general funds of the state in equal installments as the salaries of other state officers are paid. The remainder of the annual Compensation as provided in the Schedule of Salaries hereinbelow set out, of each of the aforementioned eight (8) Assistant District Attorneys, shall be paid by Counties consisting of the Thirteenth Judicial Circuit which sum shall be paid from the general funds of said Counties in equal by-weekly installments as the salaries of other County officers are paid.

Section 5. The Assistant District Attorneys appointed by the District Attorney to serve as Level #1, Level #2 and Level

#3 Assistant District Attorneys shall be compensated at the rate of beginning Salaries as set out in the Schedule of Salaries hereinbelow set out. Thereafter, increases in Compensation for each such Assistant District Attorney in Level #1, Level #2 and Level #3 shall be made annually at the rate of one step increments within the grade scale set out in the Schedule of Salaries hereinbelow, provided the performance of such Assistant District Attorney has been satisfactory to the District Attorney.

Section 6. The Schedule of Salaries hereinabove referred to, consisting of levels and steps shall be as follows:

SCHEDULE OF SALARIES

	Step 1 (Beginning)	Step 2 (1st year)	Step 3 (2nd year)	Step 4 (3rd year)	Step 5 (4th year)
CHIEF					
COUNTY	15,631.50	16,473.60	17,315.70	18,157.80	18,999.90
STATE	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00
TOTAL	24,631.50	25,473.60	26,315.70	27,157.80	27,999.90
LEVEL III					
COUNTY	11,421.00	12,263.10	13,105.20	13,947.30	14,789.40
STATE	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00
TOTAL	20,421.00	21,263.10	22,105.20	22,947.30	23,789.40
LEVEL II					
COUNTY	7,210.50	8,052.60	8,894.70	9,736.80	10,578.90
STATE	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00
TOTAL	16,210.50	17,052.60	17,894.70	18,736.80	19,578.90
LEVEL I					
COUNTY	3,000.00	3,842.10	4,684.20	5,526.30	6,368.40
STATE	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00
TOTAL	12,000.00	12,842.10	13,684.20	14,526.30	15,368.40

Section 7. The compensation provided herein shall become effective upon the effective date of this act as provided; however, the counties governing body of the Thirteenth Judicial Circuit shall be and is hereby authorized to increase the compensation payable by those Counties as provided in the said Schedule of Salaries at any time by resolution of said governing body. Upon passage of such resolution such additional compensation shall be paid from the general funds of said counties in equal by-weekly installments as the salaries of other county officers are paid.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 9. The provisions of any existing Merit Systems or Civil Service Law shall not be applicable to any Assistant

District Attorney appointed under this Act, and the provisions of any law, local or general, in conflict with any of the provisions of this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 924

H. 531—Ford, Hall, Starkey, Killian, Rich,
Taylor, Smith (J), Shelton, Weeks,
Sparks, Teague

AN ACT

To further provide for the authority of police officers appointed pursuant to provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any police officer appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, or Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama, is a peace officer whose authority extends to any place in the State; provided that the primary duty of any such police or peace officer shall be the enforcement of the law on property owned or leased by the institution of higher education employing said peace officers; provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender who is charged with the commission of a crime while on the premises of said institution; (2) to make arrests otherwise lawfully for crimes committed, or for which there is probable cause to believe have been committed, within his presence or within the boundaries of said property owned or leased.

Section 2. The provisions of this Act granting authority to police officers at institutions of higher learning in the State of Alabama are not intended to limit or abridge any powers heretofore granted to said officers by law, and the provisions of this Act are, therefore, to be considered cumulative.

Section 3. Nothing in this Act shall grant authority to any persons appointed under the provisions of this Act to enter a classroom for the purpose of enforcing traffic or parking citations.

Section 4. The provisions of this Act shall be severable, and if any section, clause or provision of this Act is declared unconstitutional or held invalid, it shall not affect any other section, clause or provision, but the same shall remain effective.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 925

H. 783—Callahan

AN ACT

To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act of the Legislature of Alabama being Local No. 102, approved June 3, 1943, page 59 of the Local Acts of Alabama of 1943, which was amended by an Act of the Legislature of Alabama, being Local Act No. 784, approved September 8, 1961, page 1136 of the Local Acts of Alabama of 1961, be and the same is hereby amended so as to read as follows:

"Section 2. Such attorney so appointed shall receive as his compensation FOUR THOUSAND EIGHT HUNDRED AND NO/100 (\$4,800.00) DOLLARS per annum, payable in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. In addition thereto, shall be paid on warrants drawn on Mobile County for litigation or for other extraordinary regular service at the prevailing hourly rate in said county for such services". But, that said compensation for litigation or other extraordinary regular service at the prevailing hourly rate shall not exceed TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) in any one calendar year unless such excess of TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) is approved for payment by the County Commission.

Section 2. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage by the Legislature and its approval by the Governor or its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 926

H. 897—Falkenburg, Waggoner, Gafford,
Biddle, Moore (O), Trammell

AN ACT

TO FURTHER AMEND ACT NO. 497 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1965, APPROVED AUGUST 20, 1965 (ALA. ACTS, 1965, pp. 717-739), AS HERETOFORE AMENDED, WHICH ESTABLISHES A PENSION SYSTEM FOR EMPLOYEES AND OFFICERS OF JEFFERSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used, the term "Act 497" means Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended.

Section 2. Section 4 of Act 497, as Section 4 has been heretofore amended, is hereby further amended so as to read as follows:

"Section 4 (a). Membership. All officers or employees including retired officers or employees, who are members of either of the previous retirement systems on the date of the establishment of this system shall become members of this system as of the date of its establishment. Except as herein otherwise provided, every person who is an employee of the County on the effective date of this Act, shall become a member of the system as of such date. Any person who is an employee of the County on the effective date of this Act and who is not a member of either of the previous retirement systems on said date shall not become a member of the system unless and until he exercises his option to become a member within the time and in the manner hereinafter provided. The next foregoing sentence shall apply to every employee not belonging to either of the previous retirement systems on the effective date of this Act, regardless of whether he is, or is not, subject to the civil service system applicable to the County. Except as

herein otherwise provided, every person becoming an employee of the County subsequent to the effective date of this Act and occupying a position subject to the civil service system applicable to the County shall become a member of the system on the date he enters the service of the County. Except as herein otherwise provided, every person becoming an employee of the County subsequent to the effective date of this Act and occupying a position not subject to the Civil Service System applicable to the County shall not become a member of the system unless he exercises his option to become a member in the manner and within the time hereinafter specified. Anything to the contrary above notwithstanding, a person whose employment is temporary shall not become a member of the system so long as his employment remains temporary. A person's employment shall be deemed to be temporary within the meaning of this Section 4 if such employment is temporary as defined by the civil service system applicable to the County, or if the officer, board, commission or agency employing such person certifies in writing to the Pension Board that said employment is temporary. A person who is an officer of the County on the effective date of this Act and who does not belong to either of previous retirement systems on said date and any person who becomes an officer of the County subsequent to the effective date of this Act shall have the option to become a member of the system in the manner and within the time hereinafter specified. Any officer or employee who has the option to become a member of the system shall state, on a form furnished by the Pension Board, or by the Secretary of said Board, that he elects to become a member; and he shall become a member on the first day of the calendar month next succeeding the month in which he completes the said form and files it in the office of the Pension Board. A person serving as an employee or officer of the County on the effective date of this Act and who is granted such option shall have six (6) months from said date in which to exercise the said option. A person becoming an officer or employee of the County subsequent to the effective date of this Act and who is granted such option shall exercise said option within six (6) months from the date on which he enters the service of the County. The period during which one is temporarily employed by the County shall not be considered in determining the said six (6) months. The option, once exercised, shall be irrevocable.

"If a person who has exercised his option to become a member of the system thereafter leaves the service of the County and returns to the service of the County, he shall become a member of the system upon the date on which he returns to the service of the County if he occupies a position rendering him eligible for membership in the system.

"(b). As used in this subsection (b) of this Section 4,

the following terms have the meanings hereby ascribed to them: 'effective date hereof' means the date on which this subsection (b) becomes a law; 'request for exclusion' means the written request of a member signed by him and filed with the Board asking that he be excluded from the pension system; 'person eligible for membership' means a person not belonging to the system who is eligible for membership on the effective date hereof, or who would be eligible for membership on said date if the time allowed him for becoming a member had not expired; 'date deductions commence' means the first day of the first calendar month following the effective date hereof if that day is as much as 15 days subsequent to the effective date hereof, and if that day is not as much as 15 days subsequent to the effective date hereof 'date deductions commence' means the first day of the second calendar month following the effective date hereof.

"On the effective date hereof all persons eligible for membership shall become and shall remain members of the system; provided, however, that any person hereby made a member may be excluded from membership by filing his request for exclusion within the time below stated. On and after the date deductions commence, as above defined, the total salary proviso, as defined in subsection (d) of Section 9 of this Act, shall apply to the salaries of all persons hereby made members earned after said date and retroactively to all salaries earned by them prior to that date, except those members who before said date file a request for exclusion. Such proviso shall not apply to any person who files such request before the date such deductions commence.

"After the salary deductions commence as to any person, the total salary proviso shall continue to apply to him so long as he is a member, unless within 30 days after the date deductions commence he files his request for exclusion. Upon his filing such request for exclusion within said 30 days, he shall be excluded from the system; and the deduction shall no longer apply to his salary. Upon a person filing his request for exclusion, within the prescribed time, the Board shall promptly return to him any salary deductions the pension fund received from his salary on account of his becoming hereby subject to the total salary proviso; and the Board shall promptly return to the County any matching payments the pension fund received from the County on account of such member becoming subject to such proviso hereunder.

"A person's liability as to his deficiency of deductions, resulting from his becoming a member hereunder, as to salary earned by him before he hereby becomes a member and as to interest in respect to such deficiency, and the method of his

discharging such liability, shall be governed by the provisions of subsection (h) of Section 9; provided, however, that all the unpaid membership time of one becoming a member hereunder must be converted to paid membership time.

“(c). Report of County Officials. It shall be the duty of the county personnel board and the head of each agency of the County government employing persons who are members, or entitled to become members, of the system to submit to the Board such statements as the Board shall require as to the name, title, compensation, duties, date of birth, and length of service of each such person.

“(d) As used in this subsection (d) of this Section 4, the following terms have the meanings hereby ascribed to them: ‘member’ means a member of this pension system; ‘(d)’ means this subsection (d) of this Section 4; ‘effective date hereof’ means the date on which (d) becomes effective; ‘option under (a)’ means the option to be a member of the pension system subsection (a), above, of this Section 4 accords persons eligible for membership in the system; ‘option under (d)’ means the option to become a member of the pension system accorded by (d); ‘person eligible under (d)’ means any person eligible to become a member of the pension system under (d) in the manner provided for below in this (d); and ‘a member under (d)’ means a person who has become a member of the pension system under (d).

“On and after the effective date hereof any person occupying a position which would entitle him to become a member in the absence of (d) if his option under (a) had not expired, may become a member by filing with the Secretary of the Pension Board a declaration signed by him stating that he elects to become a member of this pension system. The declaration shall be in such form as the Pension Board may prescribe. On the first day of the calendar month next succeeding the date whereon such person files such declaration, as aforesaid, he shall become a member of this pension system subject to all rights and liabilities of members of the system, except as herein otherwise provided. All of the salary a member under (d) receives shall be subject to salary deductions for pension purposes; and the County shall match such salary deductions, by payments to the pension fund, as it matches the salary deductions for other members of the system. When a person elects to become a member of the pension system under (d), such election shall be irrevocable. If a member under (d) leaves the service of the County and returns to such service, he shall become a member of the system on the date on which he returns to such service if he occupies a position rendering him as eligible to become a member in the system. No person be-

coming a member under (d) shall be entitled to convert unpaid membership time to paid membership time."

Section 3. Section 8 of Act 497, as Section 8 has been heretofore amended, is hereby further amended so as to read as follows:

"Section 8. Investment of Funds: The funds of the system not currently needed shall be invested in bonds, notes, warrants, and other evidences of indebtedness which are direct obligations of the United States of America or in securities issued by agencies of the government of the United States of America, or in general obligation bonds of the State of Alabama, or any county or incorporated city or town of the State of Alabama, or in the shares or certificates or savings accounts of savings and loan associations, which associations qualify for insurance by and are insured in the Federal Savings & Loan Insurance Corporation, or in bonds or debentures, preferred stocks or common stocks of corporations organized under the laws of the United States or any state thereof, or in certificates of deposits or bonds of banks organized under Federal laws or under the laws of the State of Alabama; provided, however, that not more than the maximum amount insured by the Federal Savings and Loan Insurance Corporation shall be invested in any one savings and loan association; and provided further that no funds shall be invested in bonds of corporations unless the issue of such bonds is rated 'A' or better by Moody's Investors Service, Inc. or some other nationally recognized bond rating service; and provided, that no funds shall be invested in preferred stocks or common stocks of such corporations unless such preferred or common stocks are listed upon an Exchange subject to the jurisdiction of the Securities and Exchange Commission; and, provided, further, that the funds invested in such preferred stocks shall not exceed ten per cent of the assets of the system and the funds invested in such common stocks shall not exceed ten per cent of the assets of the system; and, provided, further, that the funds invested in certificates of deposits and bonds of banks shall not exceed fifty per cent of the assets of the system.

"The word 'assets' when used in this section shall mean the assets of the system as shown by the auditor's report which was published with the Pension Board's latest annual report."

Section 4. Subsection (h) of Section 9 of Act 497 is hereby amended so as to read as follows:

"(h) As herein used these words and terms have the meanings hereby accorded them: '(h)' means this subsection (h) of this Section 9; '1975 amendment of (h)' means the amendment of (h) made during the Regular Session of the

Legislature of 1975; and 'deficiency of deductions' refers to a member's liability to the pension fund resulting from his election to convert to paid membership time his unpaid membership time. The amount of such liability shall be determined in accordance with the formula set forth in Section 9 of this Act as amended by said Act No. 408 of the Regular Session of the Legislature of Alabama of 1967, which formula appears on pages 1043 and 1044 of the Acts of Alabama of 1967.

"Following the effective date of the 1975 amendment of (h), if the County Commission finds that it is in the public interest that the Commission do so the Commission may adopt regulations providing for members of this pension system to convert unpaid membership time to paid membership time, subject to the conditions below stated.

"The regulations shall apply uniformly to members of the system in the same class. The regulations may restrict the amount or portion of unpaid membership time which can be converted to paid membership time. The County Commission may repeal or from time to time amend any such regulations.

"Any member of the system converting unpaid membership time to paid membership time under any such regulation shall be required to make the same payments (including interest) to the fund of the system which Section 9 of this Act, as amended by Act No. 408 of the Regular Session of the Legislature of Alabama of 1967 (Ala. Acts, 1967, pages 1037-1045) required to be made to said fund by members converting unpaid membership time to paid membership time; and when any member converting unpaid membership time to paid membership time under this (h) makes any such payment to the fund, to discharge his liability as to his deficiency of deductions, including interest thereon as required, the County shall pay to the pension fund the same amount as the member pays to discharge his said liability as to his deficiency of deductions.

Section 5. Section 10 of Act 497, as said Section 10 has been heretofore amended, is further amended so as to read as follows:

"Section 10. Retirement for Superannuation. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

"Anything herein to the contrary notwithstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years immediately preceding his retirement; provided, however, that the

requirement of three (3) consecutive years service, immediately preceding retirement, shall not apply to any member who retired, or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceding retirement.

“When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

“Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. The provision of the next foregoing sentence shall not apply to any person except one who retired under this Act prior to September 1, 1969, or one who on said date was employed by the county and was also on said date a member of this pension system.

“Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, upon application to be filed in the office of the Pension Board.

“Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund of the system between the date of his retirement and the date on which the pension will commence the amounts hereinafter

specified. The term 'deferred pension', as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system herein-after prescribed, payment of his deferred pension shall commence upon that date of the two following dates which first comes: (1) the date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amount hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) The amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement; and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the County at the same salary he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age, and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining the age of fifty-five (55) years. In order for a member

to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntary retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his misappropriation of funds or property of the County, or to moral delinquency on his part.

"(b) Benefits. Subject to the conditions designated Condition 1 and Condition 2, contained below in this subsection (b), if upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One and one-eighths ($1\frac{1}{8}\%$) percent of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

(3) Five-eighths of one percent ($\frac{5}{8}$ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

"Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years) to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years. Such joint action shall be expressed by resolutions separately adopted by the County Commission and the Pension Board. Neither the County Commission nor the Pension Board shall take action without considering actuarial advice.

"Condition 2. No member shall receive any retirement benefit in excess of sixty-five percent (65%) of his basic average salary.

"In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of paid membership time or unpaid membership time less than one-twelfth ($1/12$ th).

"If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership

time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

Age of Member on last Birthday Preceding Retirement	Reduced Pension on Account of Retirement Before Age 60 Expressed as a Percentage of the Pension Which Would Have Been Payable at Date of Retirement If The Member were Then Age 60
59	93 %
58	87 %
57	82 %
56	77 %
55	72 %
54	68 %
53	64 %
52	60 %
51	57 %
50	54 %
49	51 %
48	48 %

"The foregoing rates shall apply to all members of the system heretofore or hereafter granted retirement benefits, including persons granted retirement benefits prior to the increase in the rates provided for by amendments of Act 497 adopted during the Regular Session of the Legislature of 1975.

'Deferred Retirement Benefit. As used in this subsection (c), these terms have the following meanings: '(c)' means this subsection (c); 'the deferred retirement benefit' means the benefit which may accrue in a member's favor under (c); 'paid membership time in the county service' means paid membership time based on service with the county and not including municipal service; and 'the normal retirement benefit' means benefit payable to a member retiring on his sixtieth (60th) birthday having at least ten (10) years paid membership time, which benefit is based on all of his paid and unpaid membership time. A deferred retirement benefit, in the amount below provided, shall accrue in favor of any member who accumulates as much as ten (10) years paid membership time in the county service and who upon separation from the service would have been entitled to receive the normal retirement benefit had he been sixty (60) years of age when separated from the service; provided, however, that no deferred retirement benefit shall be paid to a member who withdraws his contributions to

the pension fund. A member may at any time before payment of his deferred retirement benefit commences withdraw in full his said contributions, without interest, less one-half ($\frac{1}{2}$) of disability benefits paid to him. If a member dies before or after payment of his deferred retirement benefit commences, the return of his contributions to the pension fund shall be governed by Section 14 of this Act.

"The deferred retirement benefit shall be in the following amount: for any member having not more than ten (10) years paid membership time in the county service, fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated; and for any member having more than ten (10) years paid membership time in the county service, the sum of the following: fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated plus ten percent (10%) of such normal retirement benefit for each year not exceeding five (5) years of paid membership time in the county service in excess of ten (10) years of paid membership time in the county service.

"Payment of such deferred retirement benefit shall commence on that date whereon such member reaches the age of sixty (60) years and shall continue for the life of the member.

"A member entitled to a deferred benefit under (c) shall be entitled to the joint and survivorship pension option provided for under Section 11 of this Act.

"This (c) shall not apply retroactively so as to grant a deferred retirement benefit to any former member of the system."

Section 6. Section 12 of Act 497, as said Section 12 has been heretofore amended, is hereby further amended so as to read as follows:

"Section 12. (a) Non-Service Connected. Any member who, after having accumulated five (5) years paid membership time, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula as provided under Section 10, above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability; provided, however, that the minimum monthly disability benefit payable under this subsection (a) of Section 12 shall be thirty percent (30%) of

the salary the disabled employee was receiving when he became disabled.

No disability allowance shall be made hereunder if a venereal disease or the use of intoxicating liquors or narcotics or drug or willful misconduct of the disabled person be the cause of, or substantially contribute to, the disability or if the cause of disability be voluntarily and willfully brought about by the disabled person.

“(b) Service Connected. Any member who shall become so disabled that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service of the County and not due to his intoxicating or willful misconduct, shall be entitled to receive a monthly benefit allowance in the amount equal to sixty percent (60%) of such part of the member's monthly salary as was subject to deductions for pension purposes at the time of the commencement of the disability.

“(c) Partial Disability. In cases of partial disability arising under either (a) or (b) of this Section, the Board and the Medical Advisor shall determine the percentage of disability suffered and the member shall be entitled to that proportion of the amount which would have been payable to him if totally disabled which his percentage of disability is of total disability.

“(d) Payment of the benefits provided for by this Section 12 shall commence when the member ceases to receive his salary subject to the deductions prescribed by Section 9 of this Act.

“(e) The increase in the disability benefits provided for by amendments of this Section 12 during the Regular Session of the Legislature of 1975 shall apply to all members of the system heretofore or hereafter granted disability benefits, including persons granted such benefits prior to the adoption of said amendments.”

Section 7. Section 13 of Act 497 is hereby amended so as to read as follows:

“Section 13. (a) Termination of Service. Withdrawal of Funds. Whenever any member of the retirement system, before becoming eligible for retirement for superannuation, shall cease to be a county employee for any reason other than death or retirement for disability, he shall be paid upon application therefor the full amount of his deposits and contributions deducted from his salary without interest less one-half of any disability benefits paid to him hereunder. If the Board finds

that the employment of an employee was terminated by resignation or discharge or otherwise as a consequence of his dishonesty in handling the monies or property of the County or any department thereof, the employee shall not be entitled to any retirement or disability benefits under this Act, but he shall upon application therefor be paid the full amount of contributions deducted from his salary less any benefits previously paid him. The amount contributed by the County to match the employee's contributions shall remain in the fund.

“(b) **Withdrawal of Funds By a Member Who Becomes a Member of Another Pension System.** As herein used the term ‘member’ means a member of the pension system established by this Act, and the term ‘another pension system’ means a pension system established by or under a law of the State of Alabama for public officers or public employees other than the pension system established by this Act. When a member becomes a member of another pension system, such member shall have the right to withdraw from this pension system. In order to accomplish such withdrawal such member shall advise the pension board in writing of the name of the other pension system, of the Act under which the other system was created, and of his election to withdraw from this pension system. If the board finds that such member is entitled to withdraw from this pension system under the terms of this sub-section (b), as soon as practicable the pension board will return to such member the full amount of his deposits and contributions deducted from his salary without interest less one-half of any disability benefits paid to him hereunder. Thereafter such member shall no longer be a member of this system and contributions by him and by the County on his behalf to the pension fund shall cease.

“(c) **When Contributions by Member and Matching Contributions by County Cease; and When Partial Refund of Contributions is Made to Member.** As used in this subsection (c) these terms have the meanings hereby accorded them: ‘creditable service’ means a member’s service which is considered in determining the amount of his retirement benefit under this Act; ‘maximum retirement benefit’ means the maximum retirement benefit which a member can receive under this Act. When a member’s creditable service is such as to entitle him to receive the maximum benefit, he may elect to terminate his contributions to the fund of the system by filing with the secretary of the pension board a statement signed by him reciting that he elects to terminate his contributions to the pension fund. Upon his filing such declaration his contributions to the fund and the County’s contribution to the fund on his behalf shall cease. As soon as practicable after a member files such statement, the pension board shall refund to him all contribu-

tions made by him to the fund which were deducted from his salary and paid to the fund subsequent to the date whereon the member accumulated sufficient creditable time to entitle him to the maximum retirement benefit."

Section 8. It is hereby provided that Section 23 of Act 497 is amended so as to read as follows:

"23. (a) No provision hereof shall be construed to bestow upon any member or any other person any vested right to benefits, return of contributions or any other valuable interests hereunder. No implied contract for benefits shall be held to arise hereunder, either before or after retirement. Any provisions hereof may be changed by subsequent legislation without regard to accrued rights.

"(b) As used in this subsection (b), the following terms have the meanings hereby accorded them: 'change in the pension rate' means any change by amendment of any provision of this Act which prescribes how the basic average salary of a member of the System shall be determined or prescribes the formula for determining the amount of the pension or benefit, which shall be payable to a member of the System or to a member's survivor; 'effective date of subsection b' means the effective date of this subsection (b) of Section 23; and 'pension' means pension or benefit payable hereunder to a member of the System or to a member's survivor or survivors.

"Any change in the pension rate which becomes effective after the effective date of subsection (b) shall apply to all pensions payable hereunder, including pensions granted prior to the effective date of subsection (b). This said subsection (b) shall apply whether such change results in the pension being increased or decreased.

"The purpose of this subsection (b) is to make any increase or decrease in the rate of pensions applicable to persons receiving pensions when such increase or decrease becomes effective. Said subsection (b) shall not be construed to entitle any person to a pension whose membership in the system ceased without his being granted a pension."

Section 9. This Act shall become effective on its being approved by the Governor or on its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 927

H. 978—Hilliard, Jackson (R), Jolly, Harrison, Hopping, Hall, Boles, McNair, Howard, Trammell, Tucker, Porter, Armstrong, Falkenburg, Moore (O), Andrews, Waggoner, Gafford, Leonard

AN ACT

Relating to cities with populations of more than three hundred thousand; allowing said cities to grant ad valorem tax exemptions on city ad valorem taxes for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at any time within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. All cities having populations of more than three hundred thousand, according to the last or any succeeding federal decennial census, may henceforth grant ad valorem exemptions as to all such cities portion of the property taxes to owner-developers who build new commercial or industrial facilities on real property within the city limits of such cities for up to fifteen years, upon the terms and conditions as hereinafter provided for.

Section 2. In order to qualify for the ad valorem tax exemptions provided for in Section 1, the owner-developer must file an application with such municipality in accordance with procedures herefore established by the governing body of such cities, setting forth the improvements proposed to be made, the valuations established for assessment of ad valorem taxes in each of five preceding calendar years, the abatement property tax that will be paid during the period of tax exemption, which abatement tax shall not be less than the then effective combined total ad valorem tax rate applicable to property situated in such city. Pursuant to said application, the governing body of such cities is hereby authorized to grant the exemption provided for in Section 1 for any period up to fifteen (15) years upon condition that an abatement property tax in an amount not less than that provided for in the first sentence of this section be paid to such city or for the benefit of such city in the manner in which ad valorem taxes levied by such city are paid.

Section 3. The tax exemption herein provided for shall be effective as to all taxes due to be paid on said property after the substantial completion of the improvements proposed in the application heretofore as evidenced by the certificate of the

building inspector or like officer of said city, which certificate, together with a certified copy of the resolution adopted by the governing body of such city and the acceptance of the terms thereof, in writing acknowledged in the form required by law for the taking of acknowledgments for deeds of real property, shall be filed in the office of the Probate Judge of the court in which the real property is situated and in the office of the tax assessor or like officer of such county.

Section 4. At the end of the exemption period, or in event of failure of the owner to pay the abatement property tax herein provided for on or before the delinquent tax date such property shall be assessed and taxed in the same manner as other property within the municipal corporation.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 928

H. 1742—Cross

AN ACT

Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; requiring the county governing body to appropriate certain funds to the sheriff to be expended solely by him to cover expenses of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census, shall make an annual appropriation in the amount of \$1500.00 to the sheriff of the county to be expended for any of the purposes of his office. The sheriff shall deposit such funds in any bank authorized to do business in said county and shall expend sums therefrom by check to cover any of the expenses of his office that he deems appropriate and necessary. The examiners of public accounts of this state shall examine said account and file a report as to its expenditures with the county governing body at any time they examine any of the other accounts and expenditures of the sheriff.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 929

H. 1822—Malone, Kennedy

AN ACT

To amend further Sections 3, 11, 12, 13 and 18 of Acts No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard; to provide for the retroactive effect of the amendatory provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 11, 12, 13 and 18 of Act No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard are hereby further amended to read as follows:

“Section 3. There shall be a pension and relief system which shall apply to and include all permanent employees of the City of Prichard, Alabama, which such pension and relief system shall be administered through a fund to be known as ‘The Municipal Employees’ Pension and Relief Fund,’ hereinafter referred to as the ‘fund,’ as provided for herein, which such fund shall be derived and raised, received, obtained and created, although not exclusively, in the following manner:

“(1) By transfer into the fund hereby created all agency funds created pursuant to Act No. 107, adopted February 14, 1956, as amended.

“(2) By payment into the fund by the proper authorities of the City of Prichard, Alabama a monthly amount equal to sixteen percent (16%) of the compensation paid to every employee of said city, covered by this act. Of such sixteen percent (16%) ten and one-half percent (10½%) shall be paid into such fund by the City of Prichard, Alabama, a five and one-half percent (5½%) shall be held and deducted by the proper authorities of said city from the salary or compensation of each employee covered.

“Section 11. Any employee of the City of Prichard, except as herein otherwise provided, who has been in the service of the city for as long as twenty (20) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, and who is then employed by the

city, upon his or her making application to the city council of the city, shall be retired from service as an employee without medical examination or disability. Any employee who has been in the service of the city for as long as twenty (20) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, and whose employment has been terminated prior to his making application for retirement from service as an employee of the city shall be entitled to make application for retirement as an employee without medical examination or disability as if he were yet an employee of the city provided such application is made in writing to the city council of the said city within sixty (60) days from the date his employment was terminated, and be entitled to the benefits accorded by this act; provided, that in the event that the employee had withdrawn any of his contributions at the end of any prior period or periods of employment such contributions shall be repaid by him, including interest at the rate of four percent (4%) per annum, prior to the commencement of any benefits due him under the plan which are based on the inclusion of the prior period or periods of service.

"In the event of the discharge, without just cause, of any permanent employee, who has served as many as ten (10) continuous years, such person shall, upon reaching the age of fifty-five (55) be entitled to and receive from the fund an annual pension (payable in monthly installments) equal to two and one-half percent ($2\frac{1}{2}\%$) of his or her annual compensation at the time of his or her discharge, or two and one-half percent ($2\frac{1}{2}\%$) of the average annual compensation of such employee over the then past four (4) calendar years, whichever shall be the greater for each year or major fraction thereof that said employee shall have served at the time of dismissal.

"Upon retirement in the manner provided for by this act, the said city council of the City of Prichard shall direct the payment to such retiring person monthly from the fund a sum equal to the compensation or salary received by such retiring person as salary in the service or employment of said city at the time of his or her retirement or termination or the average compensation of such employee over the past four (4) calendar years (whichever is greater) multiplied by the percentage applicable from the table below:

Years Service	Percentage
20	50
21	51
22	52
23	53
24	54

provided, however, that such payments to said retired person shall not commence or be effective until said person has attained the age of fifty-five (55) years.

"Upon the election of the employee, however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching age fifty-five (55) shall commence at the earlier of the dates when the employee attains the age of fifty-five (55) or reaches the twentieth anniversary of his employment date with the City of Prichard, whichever date first occurs. In the event of such election of the commencement of his or her pension by any employee before age fifty-five (55), as above, the amount of the pension to which he or she becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty-five (55). The actuarially equivalent pension shall reflect the lost interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the city council of the City of Prichard using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the fund as of the date of any such election by an employee.

"It is provided, however, that the word 'consecutive' as used in the foregoing section shall not be construed to the effect that any employee of the city, otherwise entitled to participate in the municipal employees pension and relief fund shall be penalized or shall have taken from him or her any length of service with the city by reason of him or her having obtained a leave of absence or otherwise been temporarily out of the employ of the city, and such leave of absence or other non-employment of said employee shall be approved by the city council of the city.

"Section 12. Any employee of the City of Prichard who has been in the service thereof for as long as twenty-five (25) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the city council of the city, therefor, shall, without medical examination or disability be retired from service of the city and upon such retirement the said council shall direct the payment to said retiring employee, if he or she be fifty-five (55) years of age or more, monthly from such fund, a sum equal to the compensation or salary received by such retiring person or salary in the service or employment of said city at the time of his or her retirement or termination or the average compensation of such employee over the past four (4) calendar years (whichever is greater) multiplied by the percentage applicable from the table below:

Years Service	Percentage
25	55
26	56
27	57
28	58
29	59
30	60

"Provided that the percentage shall increase 1% for each year of service over 30 years.

"If the employee should not be age fifty-five (55), however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching the age of fifty-five (55) shall commence at such earlier date as the employee may elect. In the event of such election of the commencement of his or her pension by any employee before age fifty-five (55), as above, the amount of the pension to which he or she then becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty-five (55). The said actuarially equivalent pension shall reflect the loss of interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the city council of the city, using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the pension fund as of the date of any such election by an employee.

"With regard to any years of service prior to a break in service of the employee, which are included in the computation of the total service of an employee under the terms of this section, on account of which years the employee had withdrawn the one-half ($\frac{1}{2}$) of his own contributions to which he would have been entitled under the retirement system of said city, no such years will be credited to the employee in the computation of his or her pension until he or she has repaid to the fund the amount of his or her contributions previously withdrawn, plus compound interest at four percent (4%) per annum, from the date of the withdrawal to the date of his or her retirement.

"Whenever an active employee of the City of Prichard or a former employee of the city retired under the terms of this act shall die while so employed or enjoying the benefits of such pension, there shall be appropriated and paid from the fund the sum of two hundred fifty and 00/100 dollars (\$250.00) for funeral and burial expenses of such decedent, which such sum shall be used for funeral and burial expenses and paid out on order of the head of the department of which

such decedent was a member, or on order of the city council of the City of Prichard, Alabama.

"Section 13. In the event of the death of a married employee and if at the time of such death the employee (a) is in the active employment of the city, or (b) is receiving a pension either for disability or for longevity from the city a pension shall be paid to his or her spouse.

"The annual amount of such spouse's pension (which shall be payable monthly) shall be equal to one-half ($\frac{1}{2}$) of the amount of pension which the deceased employee, if on a disability pension, was receiving or entitled to receive at the time of his death; or one-half ($\frac{1}{2}$) of the amount which the deceased employee, if actively employed, would have been entitled to as a pension upon attaining age fifty-five (55), or immediately if he is then age fifty-five (55) or older as the case may be, if he had retired instead of dying on the day of his death. In no event, however, will the amount of such spouse's pension be less than ten percent (10%) of the annual compensation of the employee at the time of his death, or ten percent (10%) of his annual compensation over the then past four (4) calendar years, whichever shall be the greater. Each such spouse's pension shall be increased by ten percent (10%) thereof on account of each child under the age of eighteen (18); provided, however, that such child or children shall be the natural children of the deceased employee or the spouse, or shall have been legally adopted prior to the death of the employee. Each such additional ten percent (10%) of the spouse's pension shall cease upon the attainment of the age of eighteen (18) by the child on whose account such additional pension is payable or upon such child's earlier death.

"On the death of a widow or widower (or employee divorced or legally separated from his spouse), leaving a child or children under the age of eighteen (18), (provided such children are the natural children of the deceased employee or the spouse, or were legally adopted by the deceased employee and the spouse prior to the date of death of the employee), the part of the spouse's pension that would have been paid on behalf of each such child shall be doubled and paid to the legally appointed guardian of such child (if any there be) and if not to the person in whose care or custody such child shall be, or such other suitable person as directed by the city council (and such payment to such person shall be a complete release for the city and for the trustee of this pension plan) on an annual basis up to and including the year in which such child attains the age of eighteen (18) years.

"In the event of the remarriage of a spouse who is receiving a spouse's pension, such spouse shall receive a lump

sum payment of three (3) times the annual pension then payable to him, including in the computation of such pension the additional pension being paid on account of children under the age of fifteen (15). For those children over the age of fifteen (15) and not yet eighteen (18) at the time of the remarriage of the spouse, such spouse will receive the amount that would have been paid such children until they reached age eighteen (18) had such spouse not remarried. This lump sum payment will be made in lieu of and in full discharge of all further pension payments which the spouse (or children) would otherwise have been entitled to receive.

"In the event of the death of a spouse receiving a spouse's pension from this pension fund, together with an additional amount on behalf of the dependent children under the age of eighteen (18) years, the spouse's pension inclusive of any amount received by him on account of such children shall cease, but each of such dependent children shall receive through his or her legal guardian (or to the person and under the conditions as hereinbefore set forth, and with the same relief of responsibility to the city and to the trustee under this act) an annual pension the amount of which for each such dependent child shall be double the amount allowed for him or her in the augmented spouse's pension. Each such orphan's pension shall cease after the year in which the child on whose account such pension is payable attains the age of eighteen (18) or upon such child's earlier death, it being understood that the proper payment shall be made upon the eighteenth (18th) birthday of such child, but that thereafter no payments shall be made to such child.

"Under no circumstances shall the city council of the city raise the compensation of any city employee for the purpose of increasing said employee's pension benefits upon retirement.

Section 18. There is hereby created a board to be known as the 'Board of Pensions,' for the purpose of carrying out the provisions of this act. Said board shall consist of four members to be selected by the city council of the City of Prichard and three members elected by the employees of the city. The members of said board shall serve staggered terms of four years each; the city council shall set the initial terms so that no more than two members' terms expire in any one year. The Board of Pensions shall meet separately from the city council of the City of Prichard. Such board shall have the same ministerial power as herein conferred on the city council of the City of Prichard and all references in this act made to the city council of the City of Prichard shall, insofar as is practicable, be also applicable to the Board of Pensions; provided, however, that any suit brought on behalf of the city under the pro-

visions of this act shall also be brought in the name of such board."

Section 2. The amendatory provisions of this act shall be retroactive to October 1, 1973.

Approved October 9, 1975

Time 4:30 P.M.

Act No. 930

H. 1894—Manley, Pegues

AN ACT

Relating to Marengo County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize the county commission bid law and to authorize the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marengo County is hereby authorized to enter into contract for the purchase, lease or contractual services for providing data processing, computerized services or other modern or updated electronic based systems for bookkeeping, recording, indexing and filing of all documents, instruments and writings that are of record in the office of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county. Said commission may provide for the microfilming of all records, documents, files, papers of other writings which are required by law to be recorded in the office of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register and for such projective and reading equipment as may be necessary. Such microfilms or prints therefrom when duly authenticated by the said probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register, as the case may be, shall have the same force and effect at law as the original record or of copies thereof when made by any other legally authorized means, and may be offered in like manner, and shall be received in evidence in any court where such original record or copy thereof made by other legally authorized means, could have been received in court.

Section 2. The county commission shall provide for the services, equipment and supplies necessary to implement the provisions of Section 1 of this act by either lease or outright purchase or by contractual services, whichever in the discretion of the county commission is deemed to be in the best interest of the county. The respective officeholder of the department which is to receive the new services and equipment shall make recommendation to the County Commission as to the type of services and equipment to be installed and utilized, but the final decision on such purchases shall rest with the County Commission. Because of the specialized nature of such services, all contracts therefor may be made without regard to any applicable statewide or local competitive bid law.

Section 3. The county commission is hereby authorized to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of the county.

Section 4. All funds necessary and incidental for the implementation of this act shall be paid out of the general fund of Marengo County.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975.

Time: 4:00 P.M.

Act No. 931

S. 299—Vacca, Pearson

AN ACT

To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

Be It Enacted by the Legislature of Alabama:

1. Sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, which reads, (a) is hereby repealed.

2. In lieu thereof add a new sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, to read:

(a) Every motor carrier and motor vehicle shall be equipped with pneumatic tires of sufficient traction surface in accordance with the capacity of the motor carrier or motor vehicle, except as otherwise herein provided, same to be prescribed by the Director of Public Safety.

(1) No person shall operate any vehicle of a type required to be licensed upon the highways of this state except for those tires on the dead axle of a vehicle with a dead axle when one or more of the tires in use on such vehicle is in unsafe operating condition or has a tread depth less than $\frac{2}{32}$ inch or .15875 centimeters measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire provided, however, that such measurements shall not be made at the locations of any tread wear indicator. A tire shall be considered unsafe if it has any part of the ply or cord exposed; any bump, bulge or separation; any tread or sidewall cracks, cuts or snags in excess of one inch in length and deep enough to expose the body cords; any tire marked "Not for Highway Use", or "For Racing Purposes Only", or "Unsafe for Highway Use"; or words of similar import; and any tire which has been regrooved or recut below the original groove depth excepting special tires which have extra under-tread rubber for this purpose and are identified as such, provided that the prohibitions of this act shall not apply to the tires upon the dead axle of a vehicle equipped with such a dead axle.

(2) No person, firm, corporation, or organization shall sell or offer for sale tires, or a vehicle equipped with tires, for use upon the highways of this state, which are in an unsafe condition or which have a tread depth of less than $\frac{2}{32}$ inch or .15875 centimeters measured as specified in Subsection (1).

(3) All laws or parts of laws in conflict herewith are hereby repealed.

(4) This act is cumulative to all other laws relating to motor vehicle tires.

This act shall become effective on January 1, 1976, upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 9, 1975.

Time: 4:30 P.M.

Act No. 932

S. 1112—Pearson, Vacca, Ellis, Clemon,
Gilmore, McMillan

AN ACT

TO AUTHORIZE AND PROVIDE FOR THE INCORPORATION IN EACH CITY IN THE STATE HAVING A POPULATION OF 250,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS OF ONE OR MORE PUBLIC CORPORATIONS FOR THE PURPOSE OF PROVIDING PRODUCTS MARKETS, EXHIBITION HALLS, COLISEUMS AND BUILDINGS AND RELATED STRUCTURES FOR THE DISPLAY OF PRODUCTS OR THE CONDUCT OF EXHIBITIONS, CONTESTS AND SPORTING EVENTS IN ORDER TO ENCOURAGE THE INDUSTRIAL, ECONOMIC AND COMMERCIAL DEVELOPMENT OF SUCH CITIES, THE COUNTIES IN WHICH THEY ARE LOCATED, AND THE STATE, AND TO PROMOTE INTERESTS IN SPORTS, AND AMUSEMENTS; TO PROVIDE FOR THE ELECTION OR APPOINTMENT OF DIRECTORS AND OFFICERS OF SUCH CORPORATION; TO SPECIFY THE POWERS OF SUCH CORPORATION, INCLUDING THE EXERCISE OF THE POWER OF EMINENT DOMAIN; TO EMPOWER SUCH CORPORATION TO ENTER INTO MANAGEMENT CONTRACTS AND OTHER AGREEMENTS WITH PRIVATE ENTITIES FOR MANAGEMENT OF ANY PROJECT DEVELOPED BY IT; TO EMPOWER THE MUNICIPALITY IN WHICH SUCH CORPORATION IS ORGANIZED TO ENTER INTO A LEASE AGREEMENT WITH SUCH CORPORATION FOR LEASE BY SUCH MUNICIPALITY OF ANY PROJECT DEVELOPED BY THE CORPORATION FOR A TERM OF UP TO THIRTY YEARS; TO EMPOWER THE MUNICIPALITY IN WHICH SUCH CORPORATION IS ORGANIZED, AS WELL AS ANY OTHER MUNICIPALITY IN THE SAME COUNTY AS SUCH MUNICIPALITY, AS WELL AS THE COUNTY ITSELF TO MAKE CAPITAL INVESTMENTS IN SUCH CORPORATION; TO AUTHORIZE THE COUNTY IN WHICH SUCH CORPORATION IS ORGANIZED, ANY PUBLIC CORPORATION FORMED WITH ITS CONSENT OR APPROVAL, ANY PUBLIC CORPORATION FORMED WITH THE CONSENT OR APPROVAL OF SUCH MUNICIPALITY, ANY OTHER MUNICIPALITY LOCATED IN SUCH COUNTY, ANY PUBLIC CORPORATION FORMED WITH ITS CONSENT OR APPROVAL AND THE STATE OF ALABAMA OR ANY OF ITS CORPORATE AGENCIES TO ENTER INTO LEASES FOR USE BY THEM OF ANY PROJECT DEVELOPED BY SUCH CORPORATION; TO PROVIDE CERTAIN TERMS AND CONDITIONS FOR SUCH LEASES; TO AUTHORIZE THE DONATION OF PROPERTY BY SUCH MUNICIPALITY, THE COUNTY IN WHICH THE SAME IS LOCATED, ANY OTHER MUNICIPALITY IN SUCH COUNTY, OR THE STATE TO SUCH CORPORATION; TO AUTHORIZE THE APPROPRIATIONS OF FUNDS BY SUCH MUNICIPALITY, THE COUNTY IN WHICH THE SAME IS LOCATED, ANY OTHER MUNICIPALITY IN SUCH COUNTY, OR THE STATE OF ALABAMA TO OR FOR THE BENEFIT OF SUCH CORPORATION TO AUTHORIZE THE SALE AND ISSUANCE BY SUCH CORPORATION OF INTEREST-BEARING REVENUE BONDS AND REFUNDING REVENUE BONDS, PAYABLE SOLELY OUT OF THE RENT, REVENUES AND INCOME FROM THE PROJECT OR PROJECTS WITH RESPECT TO WHICH THEY ARE ISSUED; TO SPECIFY THE PROVISIONS WHICH MAY BE INCLUDED IN SUCH BONDS AND TO DECLARE THEM TO BE NEGOTIABLE INSTRUMENTS; TO AUTHORIZE AND PROVIDE FOR AN INDENTURE OF TRUST UNDER WHICH SUCH BONDS MAY BE ISSUED; TO PROVIDE FOR CERTAIN REMEDIES IN FAVOR OF THE HOLDER OR HOLDERS OF ANY BONDS ISSUED BY SUCH CORPORATION UPON DEFAULT ON THE

SAME, BUT LIMITING SUCH REMEDIES TO PRECLUDE FORECLOSURE UPON ANY PROJECT OF SUCH CORPORATION, OR ANY OTHER REMEDY BY WHICH THE HOLDER OR HOLDERS OF SUCH BONDS MAY GAIN OWNERSHIP, TITLE OR POSSESSION OF SUCH PROJECT; TO SPECIFY THE USE TO WHICH THE PROCEEDS OF SUCH BONDS MAY BE PUT; TO AUTHORIZE THE INVESTMENT OF FUNDS OF SUCH CORPORATION NOT PRESENTLY NEEDED; TO EXEMPT FROM TAXATION PROPERTIES OF THE CORPORATION AND THE INCOME THEREFROM, THE SAID LEASES, THE SAID BONDS AND THE INCOME THEREFROM AND THE SAID INDENTURES; TO PROVIDE THAT SUCH BONDS SHALL BE LEGAL INVESTMENTS FOR FIDUCIARIES, SAVINGS BANKS AND INSURANCE COMPANIES; TO AUTHORIZE THE INVESTMENT OF IDLE AND SURPLUS FUNDS OF SUCH MUNICIPALITY, THE COUNTY IN WHICH THE SAME IS LOCATED, AND ANY OTHER MUNICIPALITY IN SUCH COUNTY IN SUCH BONDS; TO AUTHORIZE THE PUBLICATION OF NOTICE OF THE ADOPTION OF THE RESOLUTION AUTHORIZING SUCH BONDS AND PROVIDING A SHORT STATUTE OF LIMITATION FOR THE INSTITUTION OF ACTION OF THE MAKING OF DEFENSES RESPECTING THE VALIDITY OF SAID BONDS, PLEDGE, INDENTURE AND LEASE; TO PROVIDE FOR THE VESTING IN SUCH MUNICIPALITY OF TITLE TO EACH PROJECT OF SUCH CORPORATION UPON PAYMENT OF ALL BONDS ISSUED WITH RESPECT TO SUCH PROJECT; TO PROVIDE FOR PAYMENT OF ANY SURPLUS MONIES HELD BY SUCH CORPORATION AT THE END OF ANY FISCAL YEAR THEREOF IN EXCESS OF \$250,000 OR SUCH GREATER SUM AS MAY BE APPROVED BY THE GOVERNING BODY OF SUCH MUNICIPALITY, IN EXCESS OF ANY RESERVES NECESSARY TO SECURE PAYMENT OF ANY INDEBTEDNESS OF THE AUTHORITY, TO SUCH MUNICIPALITY; TO PROVIDE FOR TRANSFER OF THE ASSETS OF ANY CORPORATION ORGANIZED PURSUANT TO THE PROVISIONS OF ACT NO. 174 OF THE FIRST SPECIAL SESSION, 1965 (1965, FIRST EXTRA SESSION, PP. 224, ET SEQ.) IN THE COUNTY IN WHICH SUCH MUNICIPALITY IS LOCATED WHICH HAS NO BONDED OR OTHERWISE SECURED INDEBTEDNESS TO SUCH CORPORATION; TO PROVIDE FOR THE DIRECTORS OF SUCH A CORPORATION ORGANIZED PURSUANT TO THE PROVISIONS OF SAID ACT NO. 174 TO BE THE INITIAL DIRECTORS OF SUCH CORPORATION IF WILLING TO SERVE AS SUCH; AND, TO PROVIDE FOR THE DISSOLUTION OF SUCH CORPORATION.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title: This Act shall be known and may be cited as "The Urban Area Trade Mart and Coliseum Authority Act."

Section 2. Legislative Intent: It is the intention of the Legislature by the passage of this Act to empower any city in the State having a population of 250,000 or more according to the last or any subsequent Federal Census to authorize the incorporation of one or more public corporations as political sub-divisions of the State for the purpose of providing products markets, exhibition halls, coliseums, and buildings and related structures where products and goods may be displayed and exhibits, contests and sporting events conducted in order to encourage the buying and selling of products and goods in such

municipality, the county in which the same is located, and the State of Alabama, to encourage the location of new industries in such municipality, the county in which the same is located, and the State of Alabama, and to encourage public interest in sports and amusements and thus to promote commerce and good will in such municipality, the county in which the same is located and the State of Alabama, and to invest each corporation organized hereunder with such powers as may be necessary or desirable to enable it to accomplish such purposes. It is recognized by the Legislature that Act No. 174 of the First Special Session 1965 (1965, First Extra Session, pp. 224, et seq.), known as "The State Products Mart and Coliseum Authority Act," authorizes organization of public corporations for similar purposes in any county in the State, but provides for general supervision of such corporations organized thereunder to be vested in the governing body of the county in which the same are organized. The Legislature recognizes that in cities having a population of 250,000 or more, it is most likely that such municipality, rather than the county in which the same is situated, will provide the impetus to development of a project by such a public corporation, and, that the provisions of this Act will better fit the situation in such a municipality than the provisions of said Act No. 174. This Act shall be liberally construed in conformity with such intent.

Section 3. Definitions: The following words and phrases, including the plural of any thereof, whenever used in this Act shall, in the absence of clear implication herein otherwise, have the following meanings:

"The Corporation" means a corporation organized pursuant to the provisions of this Act.

"Board" means the board of directors of the corporation.

"The State" means the State of Alabama.

"The Municipality" or "The City" means that city in the State which authorized the organization of the corporation.

"The County" means that county in the State in which the municipality is located.

"Other Municipality" means a city or town within the county other than the municipality which authorized the organization of the corporation.

"Public Corporation" means any public corporation now or hereafter organized or created in the State pursuant to the authorization or determination by the municipality or by the municipality and any one or more other cities and towns in the State or by the county, or by the county and any one or more counties in the State.

"State Agency" means any public corporation now or hereafter organized or created in the State pursuant to the authorization or determination of the Legislature of the State or any of its boards or agencies which are separate corporate entities from the State, and from any of the counties or municipalities in the State, and the debts of which are not debts of the State or any county or any municipality within the meaning of Sections 213, 224 or 225 of the Constitution of the State.

"Governing Body" means the city council or such other body in which the general legislative powers of the municipality are vested.

"Project" means any buildings and other improvements and facilities located or to be located within the municipality and designed for use as a products market, exhibition hall, or coliseum where products and goods may be displayed to encourage the buying or selling thereof, or where exhibits, contests and sporting events may be conducted, together with any lands deemed by the Board to be desirable in connection therewith.

"Bonds" means any bond authorized to be issued pursuant to the provisions of the Act, including refunding bonds.

"Coupon" means any interest coupon evidencing an installment of interest payable with respect to a bond.

"Indenture" means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture, executed by the corporation as security for any bonds.

"Private Entity" means any natural person, firm (including partnerships, limited partnerships, unincorporated associations, and other combinations of natural persons for business purposes), or corporation organized and existing pursuant to the laws of the State of Alabama, or of the United States, or any foreign state if qualified to do business in Alabama.

"Act No. 174" means Act No. 174 of the First Special Session 1965 (1965, First Extra Session, pp. 224, et seq.) known as "The State Products Mart and Coliseum Authority Act."

"Capital Investment" means an investment of money in or appropriation to the Authority without receipt of any bond, indenture or other security from the Authority therefor.

Section 4. Authority and Procedure to Incorporate: In the events that (a) any number of natural persons, not less than three, shall file with the governing body an application in writing for authority to incorporate a public corporation under

the provisions of this Act, and (b) it shall be made to appear to the governing body that each of said persons is a duly qualified elector of and owner of property in the municipality, and (c) the governing body shall duly adopt a resolution declaring that it will be wise, expedient and necessary or advisable that such corporation be formed and that the persons filing such application shall be authorized to proceed to form such corporation, then the said persons shall become the incorporators of and shall proceed to incorporate the corporation in the manner hereinafter provided. No corporation shall be formed hereunder unless the application herein provided for shall be made and unless the resolution herein provided for shall be adopted.

Section 5. Contents of Certificate of Incorporation: The Certificate of Incorporation of the Corporation shall state: (a) The names of the persons forming the corporations, together with the residence of each thereof and a statement that each of them is duly a qualified elector of and owner of property in the municipality; (b) The name of the corporation (which shall be "The Trade Mart (Coliseum) Authority" or some other name of similar import which is available for use); (c) The location of its principal office, which shall be in the municipality; (d) The purposes for which the corporation is proposed to be organized; (e) The number of directors, which shall be not less than three nor more than five, subject, however, to mandatory increase as hereinafter provided; and (f) Any other matter relating to the corporation which the incorporators may choose to insert and which is not inconsistent with this Act or with the laws of the State. The form and contents of the certificate of incorporation must be submitted to the governing body for its approval. Any approval of such certificate by the governing body shall be evidenced by resolution duly entered upon the minutes of the governing body.

Section 6. Execution and Recording of Certificate of Incorporation: The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the State to take acknowledgments of deeds and shall have attached thereto a certified copy of the resolution provided for in the preceding section of this act and a certificate by the Secretary of State of the State that the name proposed by the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion or uncertainty. The certificate of incorporation, together with the documents required by the preceding section to be attached thereto, shall be filed in the office of the judge of probate of the county, who shall forthwith receive and record the same. When such certificate of incorporation and attached documents have been so filed, the

corporation referred to herein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the State under the name set forth in such certificate of incorporation, whereupon the corporation shall be vested with the rights and powers herein granted.

Section 7. Amendment of Certificate of Incorporation. The certificate of incorporation may at any time and from time to time be amended so as to make any change therein and add any provision thereto which might have been included in the certificate of incorporation in the first instance. Any such amendment shall be effected in the following manner, the members of the board of directors of the corporation shall file with the governing body an application in writing seeking permission to amend the certificate of incorporation, specifying in such application the amendment proposed to be made. Such governing body shall consider such application and, if it shall by appropriate resolution duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall authorize the same to be made, and shall approve the form of the proposed amendment, then the persons making such application shall execute an instrument embodying the amendment specified in such application and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. The proposed amendment shall be subscribed and acknowledged by each member of the board before an officer authorized by the laws of Alabama to take acknowledgments to deeds. Such judge of probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this section have been complied with and that the proposed amendment is within the scope of what might properly be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book in his office. When such amendment has been so made, filed and approved, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended as provided in the amendment. No certificate of incorporation shall be amended except in the manner provided in this section.

Section 8. Board of Directors of the Corporation: The corporation shall have a board of directors composed of the number of directors provided for in the certificate of incorporation and as hereinafter otherwise provided. All powers of the corporation shall be exercised by its board or pursuant to its authorization. If when this Act becomes applicable to the municipality there is in existence in the municipality a public corporation organized under Act No. 174, then the initial board of directors of the corporation shall be the several directors of such corporation organized under Act No. 174;

provided, however, that if any such director is unwilling to serve as a director of the corporation, a substitute therefor shall be appointed by the governing body. No director shall be an officer of the State or of the county. All directors shall be residents of the county. If any director resigns, ceases to reside in the county, dies, or becomes incapable of performing his duties as a director, the governing body shall elect a director to serve for the unexpired term of any director elected by it and the Governor shall appoint a successor to serve the unexpired term of any director appointed by him. Directors shall be eligible for reelection or reappointment to succeed themselves in office. A majority of the qualified and voting members of the Board shall constitute a quorum for the transaction of business. No vacancy in the membership of the Board shall impair the right of a quorum to exercise the powers and duties of the corporation. The members of the Board and the officers of the corporation shall serve without compensation except that they may be reimbursed for actual expenses incurred in and about the performance of their duties. All proceedings of the Board shall be reduced to writing by the secretary of the corporation and recorded in a well-bound book. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Section 9. Election of Members of Board by Governing Body: The governing body shall elect the number of directors provided in the certificate of incorporation of the corporation; provided, however, that if when this Act becomes applicable to the municipality there is in existence in the municipality a public corporation organized under Act No. 174, then the directors of such corporation shall be appointed by the governing body as directors of the corporation. The term of office of each director of the corporation shall be six (6) years. If at the expiration of any term of office of any director a successor shall not have been elected, then the director whose successor has not been elected shall continue to hold office until his successor shall be elected by the governing body.

Section 10. Additional Members of Board of Directors in the Event of State Aid: In the event that there shall be provided to the corporation either by legislative appropriation or by executive allocation from funds of the State either (a) moneys sufficient to pay the cost of necessary preliminary surveys and engineering, architectural or feasibility studies or reports, or, in the alternative (b) one-fourth or more of the total cost of constructing the project, then and in either of such events, the number of directors provided for in this act and in the certificate of incorporation of the corporation shall be doubled and all the additional directors shall be appointed

by the Governor for staggered terms of office terminating on the same respective dates as the terms of office of the directors elected by the governing body. The Governor shall likewise appoint the successors to such additional directors. In all other respects, directors appointed by the Governor and the Board with such directors as members shall be subject to the other provisions of this Act respecting the individual directors and the Board.

Section 11. Officers of the Corporation: The officers of the corporation shall consist of a chairman, vice-chairman, a secretary, a treasurer, and such other officers as the Board shall deem necessary to accomplish the purposes for which the corporation was organized. The offices of secretary and treasurer may, but need not be held by the same person. The chairman and vice-chairman of the corporation shall be elected by the Board from its membership. The secretary, the treasurer, and any other officers of the corporation who may, but need not, be members of the Board, shall also be elected by the Board. Before he shall receive any moneys or securities of the corporation, the treasurer shall make appropriate bond in such amount as the Board shall determine.

Section 12. Powers of the Corporation: The corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

- (1) To have succession by its corporate name until dissolved as hereinafter provided;
- (2) To sue and be sued, to prosecute and defend suits in any court having jurisdiction of the subject matter and the parties;
- (3) To make use of a corporate seal and to alter the same at pleasure;
- (4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;
- (5) To acquire, whether by purchase, gift, lease, devise, exercises of the power of eminent domain as hereinafter provided, property of every description which the Board may deem necessary to the acquisition, construction, improvement, enlargement, operation, or maintenance of one or more projects and to hold title thereto or a leasehold interest therein;
- (6) To borrow money for any of its corporate purposes and to sell and issue in evidence of such borrowing, its interest bearing revenue bonds;
- (7) To sell and issue refunding revenue bonds;
- (8) To secure any of its bonds by indenture as herein-

after provided;

(9) To appoint, employ and compensate such agents, architects, engineers and attorneys as the business of the corporation may require;

(10) To provide for such insurance as the Board may deem advisable;

(11) To invest in obligations which are direct and general obligations of the United States of America, or which are unconditionally guaranteed as to both principal and interest by the United States of America, any of its funds that the Board may determine are not presently needed for its corporate purposes;

(12) To contract, lease, and make lease agreements respecting its properties or any thereof; and

(13) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful in connection with the operation of any project, provided that it shall not have the power to sell or convey any project substantially as a whole except as hereinafter provided.

Section 13. Conveyance of Property to Corporation by Municipality, Other Municipalities, County and State: The municipality, all other municipalities, the county and the state are hereby respectively authorized to convey to the corporation, with or without the payment of monetary or other consideration therefor, any property that may be owned by the municipality, any other municipality, the county or the State, if the governing body thereof determines that the property will be used by the corporation for a purpose which will benefit the citizens thereof to a degree warranting such conveyance.

Section 14. Eminent Domain: The corporation shall have the same powers of eminent domain as are vested by law in the municipality, which powers shall be exercised in the same manner and under the same conditions as are provided by law for the exercise of the power of eminent domain by the municipality, except, however, as a condition precedent to the exercise of such power of eminent domain, the corporation shall apply to the governing body for approval of the same, and the governing body shall approve the same by resolution.

Section 15. Appropriations by Municipality, Other Municipalities, County and State: The municipality, any other municipality, and the county are hereby each respectively authorized to appropriate and pay over to or for the use of the corporation such sums as they consider desirable either to

provide funds to pay for preliminary surveys, engineering and architectural studies to determine the feasibility of a project and reports of such studies, or to pay all or any part of the cost of any project, if the governing body of such municipality, any other municipalities or the county determines that the property will be used by the corporation for a purpose which will benefit the citizens thereof to a degree warranting such conveyance. Neither the municipality, nor any other municipality, nor the county shall be obligated to make any such appropriation nor shall they do so in such manner as to constitute the revenue bonds of the corporation an indebtedness of the municipality, any other municipality, or the county within the meaning of Section 224 or 225 of the Constitution of the State or bonds within the meaning of Section 222 thereof.

Section 16. Lease of Projects: (a) Leases to the Municipality. The corporation and the municipality are hereby respectively authorized to enter into one or more lease agreements with each other whereby a project, or projects, or any part thereof, is leased by the corporation to the municipality for a term not to exceed thirty (30) years. In the event that the municipality and the corporation shall enter into a lease agreement pursuant to this section for a term longer than one (1) year, then the parties thereto are authorized to incorporate in such lease agreement a provision that the rent for each year thereof shall be due in advance on the first day of the fiscal year of the municipality commencing next after the effective date of such leasing agreement, and that the rent for each year shall be payable entirely from the current revenues of the municipality during the fiscal year thereof most closely corresponding to each year of the rental period; with the further provision that during any year of the lease period in which the current revenues of the municipality are not sufficient to pay the annual rental provided for in such lease agreement, that the deficiency therein shall be non-cumulative, and may not be recovered by the corporation in any subsequent year of the rental period. In the event such provisions are incorporated in any such lease, then the rental payable and the covenants to be performed by the municipality pursuant to the same shall not create an indebtedness of the municipality within the meaning of Section 225 of the Constitution of the State.

(b) Leases to Other Municipalities, County or State. The corporation, any other municipality, the county and the State are hereby respectively authorized to enter into with each other one or more lease agreements whereunder a project or any part thereof shall be leased by the corporation to such other party for a term not longer than the then current fiscal year of such lessee, but any such lease agreement may contain

a grant to such lessee of successive options of renewing said lease agreement on the terms specified therein for any subsequent fiscal year or years of such lessee. The rental for each fiscal year during which said lease agreement shall be in effect shall be due in advance on the first day of the fiscal year, and the said rental for said fiscal year shall be payable, and any such covenant to pay rent on the part of such other municipality or the county or the State shall be performed, solely out of its current revenues for such fiscal year. The rental payable and the covenants to be performed by such other municipality, or the county, or the State under the provisions of said lease agreement shall not be such as to create an indebtedness within the meaning of sections 213, 224, or 225 of the Constitution.

(c) Leases to Public Corporation and State Agencies. The corporation and any public corporation or state agency are hereby respectively authorized to enter into with each other one or more lease agreements whereunder a project or any part thereof shall be leased by the corporation to said public corporation or state agency for a term not longer than 30 years. Neither the State, the county, nor any municipality in the county shall in any manner be liable for the performance of any obligation or agreement contained in any lease agreement between the corporation and a public corporation or state agency. The rental payable and the covenants to be performed by a public corporation or state agency under the provisions of any such lease agreement shall never create a debt of the State, the county or any municipality therein within the meaning of Sections 213, 224, or 225 of the Constitution.

(d) Leases to Others. The corporation is hereby authorized to lease a project or any part thereof to any person, firm or corporation for such period of time and on such terms and conditions as may be mutually agreed on by the parties to the agreement under which such lease shall be made.

Section 17. Sporting Events and Exhibitions. The corporation or any lessee of the project or a part thereof shall have the right to conduct such exhibits, contests and sporting events in a project or any part thereof as in the judgment of the Board may be in the public interest or as may tend to promote and develop trade, industry or commerce in the municipality, the county and the State, or to provide public recreation and enjoyment, or to create good will for the municipality, the county and the State, with or without fees or charges for admission thereto.

Section 18. Bonds of the Corporation: The corporation is authorized at any time and from time to time, to issue its interest bearing revenue bonds for the purpose of acquiring,

constructing, improving, enlarging, completing and equipping one or more projects. The principal of and interest on any such bonds shall be payable solely out of the rent, revenues and income derived from the project with respect to which such bonds are issued. None of the bonds of the corporation shall ever constitute an obligation or debt of the State, the county, the municipality or any other municipality, or a charge against the credit or taxing power of them, or either of them. The bonds of the corporation may be in such form and denomination, may be of such tenor, may be coupon bonds and may be payable to bearer or be registerable as to principal only or as to both principal and interest may mature at such time or times not exceeding 30 years from their date, may be payable at such place or places, whether within or without the State, may bear interest at such rate or rates, payable and evidenced in such manner as shall not be inconsistent with the provisions of this Act and as may be provided in the proceedings of the Board wherein the bonds shall be authorized to be issued. Any bond having a specified maturity of more than ten years after its date shall be made subject to prior redemption at the option of the corporation at a time not later than the expiration of ten years from its date and on any interest payment date thereafter, at such price or prices, not exceeding the par value thereof plus accrued interest thereon to the redemption date plus a premium which shall not exceed twelve months interest thereon, computed at the rate which such bond would bear on the redemption date as specific therein, if such option had not been exercised, and after such notice or notices and on such terms and in such manner as may be provided in the indenture or the proceedings of the Board wherein such bond is authorized to be issued. The bonds of the corporation shall be sold at public sale, on sealed bids or at auction as the Board may determine to be most advantageous and on such prior published notice as the Board shall determine. The corporation may pay all expenses, premiums and commissions which the Board may determine to be necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. All bonds issued under the provisions of this Act shall be and they hereby are declared to be negotiable instruments under the laws of the State, despite the fact that they are payable from a limited source.

Section 19. Execution of Bonds: All bonds shall be signed by the chairman or vice-chairman of the corporation and the seal of the corporation shall be affixed thereto and attested by its secretary. A facsimile of the seal of the corporation and of the signature of either of said officers, but not both

of them, may be impressed on the bonds in lieu of their manually signing the same. Coupons shall be signed by the chairman or vice-chairman of the corporation but a facsimile of the signature of such chairman or such vice-chairman may be impressed on any such coupons in lieu of his manually signing the same. Bonds so executed shall be valid and may be delivered, notwithstanding any changes in the officers or the seal of the corporation after the signing and sealing of the bonds.

Section 20. Security for Bonds: In the discretion of the Board, any bonds may be issued under and secured by an indenture between the corporation and a corporate trustee, which may be any trust company or bank having trust powers, whether such trust company or bank is located within or without the State. In any such indenture providing for the issuance of bonds the corporation may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence, whether derived from the corporation or lease of any or all of its projects, or any combination thereof, and may assign, as security for payment of said principal and interest, any of its leases and contracts; provided, however, that such indenture shall not convey or mortgage any project of the corporation, or any part thereof. In any indenture pledging the revenues from operation or rental of any one or more of its projects, the corporation shall have the power to agree to provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the corporation, the terms to be incorporated in any lease agreement respecting any property of the corporation, the maintenance and insurance of any building or structure owned by the Authority, the creation and maintenance of special funds from any revenue of the corporation, and the rights and remedies available in the event of default to the holder or holders of the bonds, or the trustee under the indenture, all as the Board shall deem advisable and as shall not be in conflict with the provisions of the Act, or this Act. If there be any default by the corporation in payment of the principal of or interest on the bonds, or in any of the agreements on the part of the corporation that may properly be included in any indenture securing the bonds, any holder of any of the bonds, or any coupon therefrom, or the trustee under any indenture if so authorized in such indenture, may either at law or in equity, by suit, action, mandamus, or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the Board and the officers of the corporation and shall be entitled as a matter of law,

and regardless of the sufficiency of any such security, to the appointment of a receiver by a court of competent jurisdiction to appoint the same, with all the powers of such receiver for the operation and maintenance of the property of the corporation covered by such indenture, and the collection, segregation and application of revenues therefrom; provided, however, that no such indenture shall be subject to foreclosure and shall not be construed so as to authorize the sale of any project or other property covered thereby, or any part thereof, in satisfaction of the bonds secured thereby.

Section 21. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the project with respect to which they were issued, as may be specified in the indenture or the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of acquiring any interest in the land forming a part of the project; the cost of the labor, materials, and supplies used in any such constructions, improvement or enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the project, the cost of landscaping the land forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection therewith; legal fees and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with such project; and interest on the said bonds for a reasonable period prior to, and during, the time required for such construction and equipment and for not more than one year thereafter. If any of the proceeds derived from the sale of the bonds remains undisbursed upon completion of such work and payment of all the costs and expenses thereof, such balance shall be used for the retirement of the principal of the bonds of the same issue.

Section 22. Refunding Bonds: The corporation may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and interest on any bonds of the corporation theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and such premium as is necessary to be paid in order to redeem or retire the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were

authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds, in the manner hereinabove provided with respect to bonds, the application of the proceeds hereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided, that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by the corporation under their respective provisions. Any refunding bonds of the corporation shall be payable solely from the revenues out of which the bonds or coupons to be refunded thereby were payable. All provisions of this Act pertaining to bonds of the corporation that are not inconsistent with the provisions of this section shall also apply to refunding bonds issued by the corporation.

Section 23. Remedies on Default: If there be any default in the payment of the principal of or interest on any bonds issued by the corporation hereunder, then the holder of any of the bonds and of any of the interest coupons applicable thereto, and the trustee under any indenture, or any one or more of them (1) may, by suit, action, mandamus, or other proceeding in a court of competent jurisdiction, compel performance of all duties of the officers of the corporation and the Board with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the corporation pertaining thereto, and (b) regardless to the sufficiency of the security for the bonds in default, and as a matter of right, shall be entitled to the appointment of a receiver to administer and operate any project or projects of the corporation out of the revenues from which the bonds issued with respect thereto are payable, with power to make leases and fees and collect rents and fees sufficient to provide for the payment of the principal and interest on the bonds and any other obligations outstanding against any project of the corporation, or the revenues therefrom, and for the payment of the expenses of operating and maintaining any project of the corporation, and with power to apply the income therefrom in accordance with the provisions of the proceedings of the Board under which the bonds were authorized to be issued, and the provisions of any indenture covering the same. The remedies herein specified shall be cumulative to all other remedies which may otherwise be available for the benefit of the holders of the bonds and the coupons applicable thereto, but shall not be construed to authorize or permit conveyance of title to any project or projects of the corporation to any private entity, or to any other entity other than the municipality.

Section 24. Investment of Funds of the Municipality. Any

Other Municipality and the County in Bonds of the Corporation: The governing body of the municipality, the body in which the general legislative powers of any other municipality are vested and the court of county commissioners or other like body in which jurisdiction over the affairs of the county is vested by law, are respectively authorized in their discretion to invest in bonds of the corporation any idle or surplus money held in the treasury of the governmental entity controlled by them which is not otherwise earmarked or pledged.

Section 25. Eligibility of Bonds as Investments for Trust Funds: Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the State.

Section 26. Notice of Bond Resolution: Upon the adoption by the Board of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published in the county, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of the corporation: "Notice of Proposed issuance of Revenue Bonds of (name of corporation). The above-named public corporation which is a political subdivision of the State of Alabama on the day of adopted a resolution authorizing the issuance of \$. principal amount of the revenue bonds of said corporation for, which is a project authorized and permitted by the Act of the Legislature of Alabama under which said corporation was organized. Any action or proceeding questioning the validity of the said bonds or pledge of any rent, revenues or income to the payment thereof or the indenture under which said bonds will be issued, or the proceedings authorizing the same, must be commenced within 20 days after the first publication of this notice."

Any action or proceeding in any court to set aside, contest or question the legality of the bonds referred to in said notice or the proceedings authorizing the issuance of such bonds, or the validity of the pledges made therefor or the indenture under which they are to be issued must be commenced within 20 days after the first publication of such notice. After the expiration of said period, no right of action or defense questioning or attacking the validity of said proceedings or the said bonds, or the said pledges or indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledges or indenture, be open to question in any court on any

grounds whatsoever except in an action commenced within such period.

Section 27. Disposition of Surplus Funds of the Corporation: If at the end of any fiscal year of the corporation, the corporation has surplus moneys in excess of \$250,000, or such greater sum as may be approved by the governing body, and such surplus moneys are in excess of any and all reserves required to be maintained by the corporation by the terms of any bond or bonds, indenture or indentures issued by it, then such surplus moneys shall be paid over to the municipality unless a capital investment has been made in the Authority by the county or any other municipality or municipalities, in which case such surplus funds shall be paid over to the governmental entities which have made a capital investment in the Authority on the same proportional basis as each such governmental entity's capital investment in the Authority bears to the total capital investment in the Authority. In determining the total capital investment in the Authority, the cumulative amounts paid by the municipality pursuant to a lease agreement with the corporation of any project or part thereof pursuant to the provisions of Section 16(a) hereof shall be considered as a capital investment by the municipality.

Section 28. Budget of the Corporation: The Board shall adopt a budget allocating its anticipated revenues for each fiscal year of the corporation not later than thirty days prior to the end of the fiscal year next preceding the fiscal year for which such budget is adopted. Not later than ninety days prior to the end of such preceding fiscal year, the Board shall submit to the governing body a copy of the budget proposed by it for the next fiscal year. Within thirty days thereafter, the governing body shall redeliver such proposed budget to the Board together with its advice as to whether such proposed budget is approved or disapproved, and, in the event of disapproval thereof, the reasons for such action. In the event of disapproval, the Board shall, within fifteen days after receiving notification of the same from the governing body, submit an amended proposed budget to the governing body which shall contain the provisions designed by the Board to correct or overcome the objections of the governing body to the proposed budget as originally submitted. After the procedure specified in this section has been followed by the Board and the governing body, the proposed budget as resubmitted by the Board to the governing body shall become effective regardless of any objection by the governing body. If, within thirty days after submission of the proposed budget for the ensuing fiscal year by the Board to the governing body, the governing body takes no action thereon, the same shall be considered to be approved as submitted.

Section 29. Transfer of Assets of Any Public Corporation Organized Under Act No. 174 in the County in Which the Municipality is Located Which Owns no Project, and Whose Assets Exceed its Liabilities to the Corporation: If at the time of the organization of the corporation, there is in existence in the county any corporation organized and existing under the provisions of Act No. 174, and such corporation owns no project and has no bonded or otherwise secured indebtedness, and the assets of such corporation exceed the aggregate amount of all other indebtedness of it, then the entire indebtedness of such corporation shall forthwith be paid, and the remainder of its assets forthwith transferred to the corporation.

Section 30. Exemption from Taxation: Each project and the income from all leases, made with respect thereto, the bonds issued by the corporation and the income therefrom, and all lease agreements and indentures made pursuant to the provisions hereof, shall be exempt from all taxation in the State.

Section 31. Dissolution of the Corporation and Vesting of Title to its Properties: At any time when the corporation does not have any bonds outstanding, the Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. This resolution shall then forthwith be submitted to the governing body for its approval or disapproval, and if approved, a certified copy of said resolution shall be filed for record in the Office of the Judge of Probate of the county, whereupon the corporation shall stand dissolved. In the event that it owns any property at the time of its dissolution, the title to all its properties shall thereupon vest in the municipality. In the event that the corporation shall at any time have outstanding bonds issued hereunder payable out of the revenues from different projects, then as and when the principal of and interest on all bonds payable, in whole or in part, from the revenues derived from any project shall have been paid in full, title to the project with respect to which the bonds so paid in full have been paid shall thereupon vest in the municipality. Such vesting of title under this provision shall not affect the title of the corporation to any other project, the rent revenues, or income from which, are pledged to the payment of any other bonds then outstanding.

Section 32. Organization of More than One Corporation Authorized: The formation or existence of one or more corporations under the provisions of this Act shall not prevent the subsequent formation of other corporations pursuant to the authorization of the same municipality.

Section 33. Provisions Cumulative Subject to Exceptions: This Act shall not be construed as a restriction or limitation upon any power, right or remedy which the State, any county

or any municipality now in existence or hereafter formed may have in the absence thereof, and shall be construed as cumulative and independent thereof; provided, however, that in any county in which there is located a municipality having a population of 250,000 or more according to the last, or any subsequent federal decennial census, the provisions of this Act shall supersede and control over the provisions of Act. No. 174.

Section 34. Severability: The provisions of this Act are intended to be severable. If any section, provision, or clause shall be held illegal or invalid by any court of competent jurisdiction, the remaining sections, provisions and clauses hereof shall continue in effect as if such illegal or invalid section, provision or clause had not been included herein.

Section 35. Effective Date: This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 9, 1975.

Time: 4:30 P.M.

Act No. 933

H. 781—Callahan

AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section VIII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

“Section VIII. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of Director. His salary shall be fixed by the Personnel Board provided such salary shall not exceed the sum of Twenty Thousand Dollars (\$20,000.00) per annum. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to: (1) Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote. (2) Appoint from

the Employment Register such employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act; (3) Prepare and recommend rules and regulations for the administration of this Act. (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan for the Classified Service. (5) Submit to the Board a pay plan for all positions in the classified service. (6) Conduct tests, formulate employment registers, and certify persons qualified for appointment; devise and administer employee service ratings. (7) Examine all payrolls or other compensation for personal services within the classified service with authority to disapprove, from time to time, any item or items thereof, and no such item so disapproved in writing by him shall be paid or authorized for payment. (8) Establish and maintain a roster of all of the officers and employees in the classified service. (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the classified service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the county or any city therein. (10) Make investigations concerning the administration and effect of this Act and the rules made thereunder and report his findings and recommendations to the Board. (11) Make an annual report to the Board. (12) Perform any other act or acts required of him under this Act or require of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service or publication having as its purpose the interchange or dissemination of information relating to the improvement or personnel administration. When any person serving as Director has attained age 62, and has served for 20 years or more as such Director, or has served for 20 years or more as such Director and as an officer or employee of any governmental body or agency serviced by the Personnel Department provided for in this Act, may upon his election be retired by the Board, with a retirement allowance equal to but not exceeding fifty percent of the average compensation he received as a salary during the three (3) highest paid years out of the five years immediately preceding retirement. In computing such retirement allowance any monthly payment received from any employees' pension or retirement plan organized under the laws of the State of Alabama shall first be deducted from the retirement allowance and the balance shall be payable monthly in the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be sixty-two (62) years; provided, that it shall be mandatory for any person serving as Director to retire at 70 years

of age; provided further, that any person serving as Director who has attained age 50, who has otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1975.

Time: 4:30 P.M.

Act No. 934

H. 490—Merrill

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes: (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the

public schools for the fiscal year ending September 30, 1976, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

(1) EXPENSES OF THE LEGISLATURE:

- | | |
|---|--------------|
| (a) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature | 2,500,000.00 |
| (b) National Conference of State Legislators | 22,500.00 |
| (For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.) | |
| (c) For the printing of Legislative Acts and Journals, Estimated | 125,000.00 |
| (d) For Legislative Council expenses | 50,000.00 |

(2) LEGISLATIVE REFERENCE SERVICE:

- | | |
|--------------------------------------|------------|
| (a) For operation of the Department: | |
| For salary of the Director | 24,042.00 |
| For other salaries | 338,394.00 |
| For other expenses | 26,100.00 |

For equipment purchases	2,000.00
Total	390,536.00

(b) Commission on Intergovernmental Cooperation: For salaries, other expenses, equipment purchases and Matching Federal Funds	105,000.00
--	------------

(Any portion of the above appropriation can be used for Reorganization of the State Government project and employees shall not be subject to the provisions of the Merit System Law.)

(c) Code Revision: For salaries and expenses, Estimated	10,000.00
--	-----------

(3) DEPARTMENT OF EXAMINERS
OF PUBLIC ACCOUNTS:

For salary of the Chief Examiner	22,729.00
For salary of the Assistant Chief Examiner	21,502.00
For other salaries	1,796,769.00
For other expenses	445,000.00
For equipment purchases	9,000.00

Total	2,295,000.00
-------------	--------------

II. JUDICIAL

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and eight Associate Justices	301,500.00
For the salary of the Clerk of Court, Est.	26,130.00
For the salary of the Marshall and Librarian, Est.	26,130.00
For the salary of Reporter of Decisions, Estimated	21,502.00
For the salaries of Law Clerks, Estimated	110,214.00
For other salaries	356,524.00

1886

For other expenses	85,000.00
For equipment purchases	5,000.00
For printing Alabama Re- ports, Estimated	13,000.00
For Advisory Committee Work	5,000.00
For Judicial Education	5,000.00

Total	955,000.00
-------------	------------

For the Supreme Court Li- brary Fund	85,000.00
---	-----------

(2) COURT OF CRIMINAL APPEALS:

For the salaries of the Judges	165,000.00
For the salary of Clerk of Court, Estimated	26,130.00
For the salaries of Law Clerks, Estimated	61,230.00
For other salaries	112,125.00
For other expenses	31,000.00
For equipment purchases	5,000.00
For printing Appellate Court Reports, Estimated	8,000.00

Total	408,485.00
-------------	------------

(3) COURT OF CIVIL APPEALS:

For the salaries of the Judges	99,000.00
For the salaries of Law Clerks, Estimated	39,238.00
For the salary of Clerk of Court, Est.	26,130.00
For other salaries	72,915.00
For other expenses	18,500.00
For rental of office space	27,125.00
For equipment and book pur- chases	1,000.00
For printing Appellate Court Reports, Estimated	7,200.00

Total	291,108.00
-------------	------------

(4) THE CIRCUIT COURTS:

For the salaries of the Judges of the Circuit Courts, Est....	2,450,000.00
For travel expenses of Circuit Judges, Estimated	25,000.00

For College of Trial Judges, as provided in Act No. 730, 1967 Regular Session	10,000.00
For telephone service, station- ery, stamps, books, equip- ment purchases and neces- sary office supplies for the the office use of Circuit Judges	50,000.00
For the salaries and travel expenses of special Judges, Estimated	15,000.00
For salaries of District Attor- neys, Estimated	936,000.00
For salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	23,000.00
For the salary of the appoint- ed Assistant Deputy Dis- trict Attorney of the Besse- mer Division of the 10th Judicial Circuit	3,600.00
For the salary of the First Deputy District Attorney of the Birmingham Division of the 10th Judicial Circuit	5,700.00
For the salaries of the Sec- ond and Third Deputies District Attorneys of the Birmingham Division of the 10th Judicial Circuit	10,000.00
For the salaries of the Fourth, Fifth, Sixth, Seventh and Eighth Deputies District Attorneys of the Birming- ham Division of the 10th Judicial Circuit: \$4,000.00 each	20,000.00
For the salary of the Deputy District Attorney of the 1st Judicial Circuit	3,600.00
For the salary of the Deputy District Attorney of the 4th Judicial Circuit, Estimated	24,000.00
For the salaries of the Depu- ties District Attorneys of the 6th Judicial Circuit	14,400.00
For the salary of the Deputy	

District Attorney of the 7th Judicial Circuit	6,900.00
For the salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00
For the salaries of the Depu- ties District Attorneys of the 9th Judicial Circuit	7,200.00
For the salaries of the Deputy District Attorney of the 10th Judicial Circuit	22,000.00
For the salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00
For the salaries of the Depu- ties District Attorneys of the 13th Judicial Circuit, Estimated	39,625.00
For the salary of the Assist- ant District Attorney of the 14th Judicial Circuit	7,200.00
For the salaries of the Depu- ties District Attorneys of the 15th Judicial Circuit.....	38,600.00
For the salaries of the Depu- ties District Attorneys of the 16th Judicial Circuit	6,000.00
For the salaries of the Depu- ties District Attorneys of the 23rd Judicial Circuit	42,000.00
For the salaries of the Depu- ties District Attorneys of the 26th Judicial Circuit	13,000.00
For the salary of the Deputy District Attorney of the 27th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 31st Judicial Circuit	4,200.00
For the salary of the Deputy District Attorney of the 32nd Judicial Circuit	9,600.00
For the salary of the Deputy District Attorney of the 38th Judicial Circuit	3,600.00
For travel expenses of the	

District Attorneys, Estimated	40,000.00
For salary of the stenographic secretary of the 6th Judicial Circuit	1,200.00
For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants	50,000.00
(Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)	
For the salaries of the Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	24,000.00
Total	1,385,125.00
For the salary and expenses of Supernumerary District Attorneys, Estimated	125,737.00
(5) DEPARTMENT OF COURT MANAGEMENT:	
For transfer to the Department of Court Management Fund	78,666.00
(6) COURT REPORTERS:	
For the compensation of the Circuit Court Reporters, Estimated	350,000.00
For the compensation of the Supernumerary Circuit Court Reporters, Estimated	70,000.00
(7) SUPERNUMERARY JUDGES:	
For salaries of Supernumerary Judges and Justices, Estimated	275,000.00
For expenses of Supernumerary Judges and Justices, Estimated	35,000.00

(8) JUDICIAL INQUIRY COMMISSION	44,500.00
(9) JUDICIARY RETIREMENT FUNDS, ESTIMATED	885,000.00
(10) PERMANENT STUDY COMMISSION ON ALABAMA'S JUDICIAL SYSTEM	25,000.00
For matching Federal funds, if available, monies from any of the above appropriations (II, Judicial), regardless of whether they are also specified, may be used for the purpose.	

III. EXECUTIVE:

A. DEPARTMENTS, BOARDS, BUREAUS, AGENCIES AND COMMISSIONS:

(1) ALABAMA ACADEMY OF HONOR	1,500.00
(Pursuant to provisions of Act No 15, Third Special Session 1965.)	
(2) STATE BOARD OF ADJUSTMENT:	
(a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343	15,000.00
(b) For expenditures by the Board payable from General Fund the provisions of Act No. 208, 1966 Special Session and Act No. 436, 1967 Regular Session, Estimated	100,000.00
(3) ADVERTISING LANDS FOR TAX SALE, ESTIMATED	14,000.00
(4) COMMISSION ON AGING—TRANSFER	150,000.00

(5) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:

- | | |
|---|--------------|
| (a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the Department of Agriculture and Industries | 2,540,000.00 |
| (b) For transfer to the Department of Agriculture and Industries to be expended by the Meat and Poultry Inspection Division for salaries, other expenses, equipment purchases and automotive equipment purchases | 700,000.00 |
| (c) For transfer to the Department of Agriculture and Industries to be expended by the Egg Inspection Division for salaries, other expenses and equipment purchases | 53,000.00 |
| (d) For transfer to the Department of Agriculture and Industries to be expended by said Department for salaries, other expenses, equipment purchases, automotive equipment purchases and for purchase of insecticides and chemicals for control of the fire ant | 250,000.00 |
| (The above appropriation in item (d) shall be conditional upon the condition of the State Treasury with the approval of the Governor.) | |

(6) AGRICULTURE CENTER BOARD:

- (a) For transfer to the Agriculture Center Board for

salaries and other expenses	50,265.00
(b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session	90,000.00
(7) ALABAMA AGRICULTURE AND INDUSTRIAL EXHIBIT COMMISSION	40,000.00
(8) APPALACHAIN REGIONAL DEVELOPMENT PROGRAM	150,000.00
(9) DEPARTMENT OF ARCHIVES AND HISTORY:	
For the salary of the Director	22,728.94
For other salaries	189,771.06
For other expenses	40,000.00
For equipment purchases	5,000.00
For expenses of printing of the Alabama Historical Quarterly	7,500.00
For expenses of printing of the Statistical Register	10,000.00
Total	275,000.00
(10) ARREST OF ABSCONDING FELONS:	
For expenses incident to the arrest of absconding felons, Estimated	2,000.00
(11) ALABAMA COUNCIL ON THE ARTS AND HUMANITIES:	
For transfer to the Council on the Arts and Humanities	100,000.00
(12) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES, ESTIMATED	37,500.00
(As provided in Act No. 176, 1947 Acts, page 61)	
(13) OFFICE OF THE ATTORNEY GENERAL	
For the salary of the Attor-	

ney General	33,500.00	
For the salary of the Deputy Attorney General	32,500.00	
For the salary of the Executive Assistant, Estimated ..	26,130.00	
For other salaries	725,000.00	
For other expenses	110,000.00	
For equipment purchases	6,000.00	
For automotive equipment purchases	5,000.00	
For special investigation as provided by Act No. 1080, 1969 Regular Session	15,000.00	
Total		953,130.00
(For Matching Federal Funds, if available, \$60,000 from any of the above appropriations may be used for this purpose.)		
(14) OFFICE OF THE STATE AUDITOR:		
(a) For operation of the Department:		
For the salary of the State Auditor	22,970.00	
For other salaries	160,000.00	
For other expenses	37,030.00	
For equipment purchases	5,000.00	
Total		225,000.00
(b) Office of the State Auditor — Property Inventory:		
For salaries	50,000.00	
For other expenses	9,150.00	
For equipment purchases	850.00	
Total		60,000.00
(15) AUTOMATIC APPEAL EXPENSE, ESTIMATED		
Provided in 1943 Acts of Legislature, page 217.		3,000.00
(16) COOSA-ALABAMA DEVELOPMENT AUTHORITY		
		12,500.00
(17) TRANSFER TO STATE		

DOCKS DEPARTMENT:

For dredging and constructing the Theodore ship channel	2,000,000.00
---	--------------

(18) (a) STATE BANKING DEPARTMENT:

For transfer to the State Banking Department ..	113,000.00
---	------------

(b) BANKING DEPARTMENT —
BUREAU OF LOANS:
For transfer to the State Banking Department.....

140,000.00

(19) BICENTENNIAL COMMISSION, ALABAMA ..	30,000.00
--	-----------

(20) BUILDING COMMISSION:
For salaries, other expenses, equipment purchases and automotive equipment purchases

100,000.00

(21) ALABAMA HISTORICAL COMMISSION—TRANSFER (For operation of Cahaba Historical Site in accordance with Act No. 155, 1975 Third Special Session)	7,000.00
---	----------

(22) ALABAMA WING OF CIVIL AIR PATROL	35,000.00
---	-----------

(23) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS, ESTIMATED	100.00
--	--------

(24) DEPARTMENT OF CIVIL DEFENSE:

(a) For salaries, other expenses and equipment purchases	195,000.00
--	------------

(b) For matching Federal Funds — Disaster Relief	1,492,000.00
--	--------------

(25) DEPARTMENT OF CONSERVATION:

For transfer to Conservation
— State Parks Fund —

For salaries, other expenses, equipment purchases and capital outlay for the State Parks Division	1,500,000.00
(26) BOARD OF CORRECTIONS: For transfer to Board of Cor- rections	7,800,000.00
(27) COUNCIL OF STATE GOVERNMENTS	30,790.00
(28) COURT COSTS, ESTIMATED	250,000.00
To be paid by the State of Ala- bama pursuant to Act No. 558, 1957 Acts, page 777.	
(29) COURT COSTS, ESTIMATED	65,000.00
To be paid by the State of Ala- bama not otherwise provid- ed for.	
(30) DEPARTMENT EMERGENCY FUND	450,000.00
This is the appropriation con- templated in Section 105, Title 55 of the Code of Ala- bama 1940 and shall be the only amount appropriated and the total amount ex- pended under the provisions of said section.	
(31) ALABAMA DEVELOPMENT OFFICE: For transfer to Alabama De- velopment Office for opera- tions	2,561,000.00
For transfer of the Alabama Development	
(32) ELECTION EXPENSES, ESTIMATED	900,000.00
(33) ELK RIVER DEVELOPMENT ASSOCIATION	5,000.00
(34) STATE EMPLOYEES INSURANCE	450,000.00

To pay the State's share of
the State Employees Insurance
Program, estimated.

(35) STATE EMPLOYEES INSURANCE BOARD:		
For salaries	31,750.00	
For other expenses	5,900.00	
For equipment purchases	350.00	
	<hr/>	
Total		38,000.00
(36) EMPLOYEES' RETIREMENT FUND — STATE'S PART, ESTIMATED		
		3,300,000.00
(37) ETHICS COMMISSION, ALABAMA:		
For operations of the Alabama Ethics Commission		100,000.00
(38) FAIR TRIAL TAX — TRANSFER		
To be expended in accordance with Act No. 525 and Act No. 526, 1963 Regular Ses- sion.		100,000.00
(39) FARMERS' MARKET AUTHORITY:		
For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority		53,000.00
(40) FEEDING OF PRISONERS:		
For expenses of feeding pris- oners in county jails, Esti- mated		1,300,000.00
(41) DEPARTMENT OF FINANCE:		
(a) Director's office:		
For the salary of the Di- rector, Estimated	24,000.00	
For the salary of the As- sistant Director, Esti- mated	23,699.00	
For other salaries	12,246.00	

1897

For other expenses	8,500.00	
Total		68,445.00
(b) Division of the Budget:		
For salaries	232,400.00	
For other expenses	16,600.00	
For equipment purchases	11,000.00	
To carry out the provision of the Governor's Com- mittee on Fiscal Re- sponsibility's Contract- ural Services for Pro- gram Budgeting initia- tion	150,000.00	
Total		410,000.00
(c) Division of Control and Accounts:		
For salaries	475,000.00	
For other expenses	200,000.00	
For equipment purchases	5,000.00	
Total		680,000.00
(d) Legal Division:		
For salaries	57,630.00	
For other expenses	6,370.00	
For equipment purchases	1,000.00	
Total		65,000.00
(e) Data Systems Manage- ment — Transfer		150,000.00
(f) Data Systems Manage- ment Revolving Fund		450,000.00
(g) Division of Printing and Publications		50,000.00
(h) Division of Purchases and Stores:		
For salaries	304,500.00	
For other expenses	35,000.00	
For equipment purchases	2,000.00	
Total		341,500.00
(i) Division of Service:		
For salaries	782,000.00	
For other expenses	360,000.00	
For equipment purchases	15,000.00	
Total		1,157,000.00
(j) Space Management Op- erations		60,000.00

(k) Equipment purchases for the State Offices in the Executive, Administra- tive and Judicial Depart- ments		5,000.00
(42) MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR		100,000.00
(43) ALABAMA FORESTRY COMMISSION:		
For transfer to the Alabama Forestry Commission —		
For salaries, other expenses, equipment purchases and automotive equipment pur- chases		1,800,000.00
(44) FORT MORGAN HISTORICAL COMMISSION:		
For salaries	37,000.00	
For other expenses	20,000.00	
For equipment purchases	2,800.00	
Total		59,800.00
(45) GEOLOGICAL SURVEY:		
For the salary of the State Geologist		26,591.00
For other salaries	350,000.00	
For other expenses	110,000.00	
For equipment purchases	5,000.00	
For operation of new building	18,409.00	
For matching funds for inves- tigation of water, mineral & energy resources of the State		230,000.00
For topographic Mapping	25,000.00	
Total		790,000.00
(46) GORGAS MEMORIAL BOARD		9,500.00
To provide for the appropria- tion authorized by Act No. 417, 1943 Acts, page 383 and an additional amount.		
(47) THE GOVERNOR'S OFFICE:		

(a) For operation of the Department:	
For the salary of the Governor	28,955.00
For the salary of the Executive Secretary	22,729.00
For the salary of the Legal Advisor	22,729.00
For the salary of the Press Secretary	22,729.00
For the salary of the Confidential Assistant	22,729.00
For other salaries	147,204.00
For other expenses	105,000.00
For printing Governor's State Budget, Estimated	22,000.00
For equipment purchases	3,500.00
For automotive equipment purchases	8,000.00
Total	405,575.00
(b) For the Governor's Emergency Fund, to be expended at the direction of the Governor	100,000.00
(c) For the Governor's Controlled Contingency Fund	60,000.00
(d) For Governor's Office — Consumer Agency:	
For salaries	119,000.00
For other expenses	40,000.00
For equipment purchases	1,000.00
Total	160,000.00
(c) For the Mansion Fund	45,000.00
(f) For the Governor's Mansion at Gulf Shores	10,000.00
(48) EXPENSES OF GOVERNOR'S PROCLAMATION, ESTIMATED	150,000.00
(49) NATIONAL GOVERNOR'S CONFERENCE	16,150.00
(50) GOVERNOR'S RETIREMENT, ESTIMATED	9,000.00

1900

(51) GOVERNOR'S WIDOWS RETIREMENT, ESTIMATED	14,400.00
(52) DEPARTMENT OF HEALTH:	
(a) For Administration of all State Health Services and Programs (excluding Medicaid)	8,557,912.00
(b) For Medicaid: For transfer to the Medi- caid Account	50,273,500.00
(c) For emergency Medical Services	20,000.00
(53) HELEN KELLER HOME: For operation and mainte- nance	5,000.00
(54) OFFICE OF HIGHWAY AND TRAFFIC SAFETY: For transfer to Office of Highway and Traffic Safety	75,000.00
(55) ALABAMA HISTORICAL COMMISSION: For transfer to Alabama His- torical Commission	144,720.00
(56) HISTORIC CHATTAHOOCHEE COMMISSION	74,650.00
(57) RICHMOND PEARSON HOBSON MEMORIAL BOARD	9,500.00
To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount.	
(58) DEPARTMENT OF INDUSTRIAL RELATIONS:	
For salaries	389,400.00
For other expenses	70,000.00
For equipment purchases	1,000.00
For automotive equipment purchases	4,600.00
Total	465,000.00

(59) DEPARTMENT OF INSURANCE:		
For salary of the Director	24,487.71	
For other salaries	399,512.29	
For other expenses	118,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	5,000.00	
Total		550,000.00
(60) INTERPRETER'S ACCOUNT, ESTIMATED		
(To carry out provisions of Act No. 799, 1965 Regular Session.)		100.00
61) COURT OF JUDICIARY:		
For salaries	2,500.00	
For other expenses	4,150.00	
For equipment purchases	200.00	
Total		6,850.00
(62) STATE LABOR DEPARTMENT:		
For salary of the Director	22,729.00	
For other salaries	105,571.00	
For other expenses	26,200.00	
For equipment purchases	500.00	
Total		155,000.00
(63) LAGRANGE HISTORICAL COMMISSION		
(To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, page 540.)		2,500.00
(64) LAW ENFORCEMENT LEGAL DEFENSE, ESTIMATED		
(To carry out provisions of Act No. 259, 1957 Regular Session.)		2,000.00
(65) ALABAMA LAW ENFORCEMENT PLANNING AGENCY:		
For matching Federal Funds		615,000.00

1902

(66) TRANSFER TO TELEPHONE REVOLVING FUND	576,720.00
(67) LIVESTOCK COLISEUM: For transfer to the Livestock Coliseum Fund for the op- eration of the Livestock Coliseum	140,000.00
(68) MAILING TAX NOTICES, ESTIMATED	7,500.00
(69) MENTAL HEALTH: For transfer to Special Men- tal Health Fund	14,800,000.00
(70) MILITARY DEPARTMENT: (a) For operation of the De- partment: For salary of the Adju- tant General 22,729.00 For other salaries 528,271.00 For other expenses 110,000.00 For equipment purchases 4,000.00 <hr/>	665,000.00
Total	665,000.00
(b) For Quarterly Allow- ances For Headquarters 5,000.00 For Regular Allowance to Units 363,500.00 Provided that not more than \$5,000 may be al- lotted in any fiscal year for the Headquar- ters, Alabama National Guard.	368,500.00
(c) For Active Military Serv- ice — Active National Guard	100,000.00
(d) For transfer to the Arm- ory Commission: For care and maintenance of armories 950,000.00 For construction of arm- ories 681,000.00	1,631,000.00
(71) OIL AND GAS BOARD: (a) Operations of Board: For salaries	419,500.00

1903

For other expenses	100,000.00	
For equipment purchases	5,000.00	
For salaries, other expenses, equipment purchases to be allotted upon opening of New Oil and Gas Fields	40,000.00	
Total		564,500.00
(b) For the Oil and Gas Board to monitor offshore oil drilling		60,000.00
(72) BOARD OF PARDONS AND PAROLES:		
For salaries of Board Members	63,321.00	
For other salaries	1,471,679.00	
For other expenses	150,000.00	
For equipment purchases	9,000.00	
For Federal matching Funds	50,000.00	
Total		1,744,000.00
(73) DEPARTMENT OF PENSIONS AND SECURITY:		
For transfer to the Department of Pensions and Security for the support, maintenance and operations of the functions of Pensions and Security		13,000,000.00
(74) PERSONNEL DEPARTMENT:		
For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department		109,760.00
(75) FIRST WHITE HOUSE OF CONFEDERACY		11,500.00
(76) COMMISSION TO PRESERVE THE PEACE:		
For salaries and other expenses (For purposes of phasing out the operations by December 31, 1975.)		10,000.00

1904

(77)	PRESIDENTIAL ELECTORAL EXPENSE, ESTIMATED	600.00
(78)	PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES, ESTIMATED	10,000.00
(79)	BOARD OF EXAMINERS OF PSYCHOLOGY: For transfer to Board Exam- iners of Psychology for op- eration	1,600.00
(80)	BUREAU OF PUBLICITY AND INFORMATION: (a) For operation of the De- partment: For salary of the Director For other salaries	20,533.00 58,467.00 63,000.00 1,000.00 2,500.00 10,000.00 9,500.00 10,000.00 5,000.00 25,000.00 10,000.00 5,000.00 5,000.00 20,000.00 15,000.00
	Total	260,000.00
	(b) Welcome Centers: For salaries	125,000.00 35,000.00
	For other expenses	
	For Bureau's share in con-	

1905

	structing and equip- ping Welcome Centers...	100,000.00	
	Total		260,000.00
(81)	DISTRIBUTION OF PUBLIC DOCUMENTS, ESTIMATED		30,000.00
(82)	TALLACOOSA MOUNTAIN LAKE ASSOCIATION		10,090.00
(83)	DEPARTMENT OF PUBLIC SAFETY:		
	For the salary of the Direc- tor	22,729.00	
	For other salaries	10,580,271.00	
	For other expenses	3,682,000.00	
	For Workman's Compensa- tion Insurance, Est.	140,000.00	
	For equipment purchases	150,000.00	
	For automotive equipment purchases	750,000.00	
	Total		15,325,000.00
(84)	REGISTRATION OF VOTERS, ESTIMATED		450,000.00
(85)	REMOVAL OF PRISONERS:		
	For expenses incident to re- moval of prisoners, Esti- mated		75,000.00
(86)	DEPARTMENT OF REVENUE:		
(a)	For transfer to the De- partment of Revenue for the General Fund share of the cost of operating the Department		1,201,096.54
(b)	For Auto Title and Auto Theft Fund		500,000.00
(c)	Boards of Equalization:		
	For salaries of the mem- bers and employees of the county boards of equalization	143,750.00	
	For other expenses	4,000.00	
	Total		147,750.00

1906

(d) Equalization Fund	250,000.00
(This is the appropriation set out under Act No. 160, 3rd Special Ses- sion of the 1971 Ala- bama Legislature.)	
(87) RIVERBOAT ASSOCIATION, MONTGOMERY	25,000.00
(88) OFFICE OF SECRETARY OF STATE:	
(a) For operation of the De- partment:	
For the salary of the Sec- retary of State	22,959.00
For other salaries	78,026.00
For other expenses	29,250.00
For equipment purchases	2,500.00
Total	132,735.00
(b) Law Books Inventory:	
For salaries	9,000.00
For other expenses	4,000.00
For equipment purchases	2,000.00
Total	15,000.00
(c) Uniform Commercial Code:	
For salaries	56,000.00
For other expenses	28,000.00
For equipment purchases	3,500.00
Total	87,500.00
(89) SECURITIES COMMISSION:	
For salaries	104,000.00
For other expenses	15,000.00
For equipment purchases	5,000.00
Total	124,000.00
(90) STATE'S SHARE OF SOCIAL SECURITY, ESTIMATED	1,200,000.00
(91) SOCIAL SECURITY ADMINISTRATION:	

1907

For salaries	115,000.00
For other expenses	19,000.00
For equipment purchases	2,000.00

Total	136,000.00
-------------	------------

(92) SOIL CONSERVATION
COMMITTEE:

For salaries	46,122.00
For other expenses	71,778.00
For Watershed Planning Par- ty	75,000.00
Water Conservation Districts	60,300.00
For equipment purchases	1,000.00

Total	254,200.00
-------------	------------

(93) SOUTHERN INTERSTATE NUCLEAR BOARD	11,057.00
---	-----------

(94) WOMEN'S COMMISSION, ALABAMA	10,000.00
---	-----------

(95) SPORTS HALL OF FAME BOARD	25,000.00
(To carry out provisions of Act No. 225, 1967 Regular Session.)	

(96) ALABAMA STEER SHOW ASSOCIATION	10,000.00
--	-----------

(97) TANNEHILL FURNACE AND FOUNDRY COMMISSION	25,000.00
---	-----------

(98) TENNESSEE RIVER DEVELOPMENT AUTHORITY	10,000.00
--	-----------

(99) TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY	120,000.00
(To carry out the provisions of Act No. 355, 1957 Regu- lar Session, approved Aug- ust 23, 1957.)	

(100) STATE TOXICOLOGIST: For the salary of the State Toxicologist	26,252.00
--	-----------

1908

	For other salaries	420,748.00	
	For other expenses	80,000.00	
	For equipment purchases	25,000.00	
	For automotive equipment purchases	8,000.00	
	For Matching Federal Funds..	60,000.00	
	Total		620,000.00
(101)	OFFICE OF THE STATE TREASURER:		
	For the salary of the State Treasurer	22,959.00	
	For other salaries	300,000.00	
	For other expenses	75,000.00	
	For equipment purchases	12,000.00	
	For vault equipment purchases	3,000.00	
	Total		412,959.00
(102)	STATE TREASURER — PREVIOUS YEAR UNPAID WARRANTS, ESTIMATED..		50,000.00
(103)	TRI-RIVERS DEVELOPMENT ASSOCIATION		30,000.00
(104)	COMMISSION ON UNIFORM STATE LAWS		4,000.00
	(Total amount appropriation by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission.)		
(106)	DEPARTMENT OF VETERANS AFFAIRS:		
	For the salary of the Service Commissioner	19,996.00	
	For other salaries	1,186,995.00	
	For other expenses	67,000.00	
	For equipment purchases	4,000.00	
	For contract with Veterans of Foreign War Organization..	36,000.00	
	For contract with disabled American Veterans Organization	9,000.00	
	Automotive Equipment Pur-		

1909

chases	16,000.00
Total	1,338,991.00
(107) NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM, ALABAMA.....	3,000.00
(108) VETERANS DAY COMMISSION, ALABAMA ..	1,500.00
(109) VETERANS DAY COMMISSION, NATIONAL.....	1,500.00
(110) WATERSHED CONSERVANCY DISTRICTS:	
(1) Bear Creek Development Authority	35,000.00
(2) Choccolocco Watershed.....	4,000.00
(3) Crooked Creek Watershed	2,500.00
(4) Ketchepedrakee Watershed	2,500.00
(5) Big Nance Creek Watershed	2,500.00
(111) LAW ENFORCEMENT PLANNING AGENCY:	
Diversion Investigating Unit.....	350,000.00
(Conditional upon the condi- tion of the State Treasury and upon the approval of the Governor.)	
(112) TALLASSEEHATCHEE WATERSHED	2,500.00
(113) Transfer to State Highway Department	13,500,000.00
For Transfer to State High- way Department condition- al upon the condition of the State Treasury and with the approval of the Gover- nor	3,000,000.00
(114) Agricultural and Industrial Exhibit Commission for the construction of a Swine Pa- vilion	150,000.00
(115) Interstate Mining Compact	4,500.00

1910

(116)	Birmingham Festival of Arts	25,000.00
(117)	For Alabama Travel Council	15,000.00
(118)	The following appropriations in Section 118 shall be conditional upon the condition of the State General Fund and with the approval of the Governor for the fiscal year ending September 30, 1976:	
(1)	Birmingham—Fort John C. Persons	250,000.00
(2)	Luverne Armory	75,000.00
	(For construction of Luverne Armory	
	60,000.00 of the amount	
	above and 15,000.00 for	
	land acquisition	
(3)	Pea River Historical and Genological Society of Enterprise	25,000.00
(4)	Tannehill Furnace and Foundry Commission	25,000.00
(5)	Department of Court Management	60,000.00
(6)	Commission on Aging	25,000.00
(7)	For the Governor's committee on Reorganization of State Government	38,500.00
(8)	Commission on Intergovernmental Cooperation	40,000.00
(9)	Alabama Historical Commission:	
	For the completion of Constitutional Hall at Huntsville	85,000.00
	For the purchase and/or preservation of Stever-son Depot in Jackson County, Alabama	35,000.00
(10)	For Ave Maria Grotto	10,000.00
(11)	Chilton County Peach Festival	5,000.00
(12)	Health Department — Medicaid	326,500.00
Total Conditional Appropriation		1,000,000.00

B. DEBT SERVICE:

- | | |
|--|--------------|
| (1) For the payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII | 281,440.00 |
| (2) For interest on Spanish American War Veterans Fund, Estimated | 294.86 |
| (3) For the payment of principal and interest due on bonds issued by State Docks — Inland Waterways, pursuant to Constitutional Amendment No. CXVI, Estimated | 1,851,512.50 |
| (4) For the payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session, Estimated ... | 771,495.00 |
| (5) For the payment of principal and interest due on bonds issued for the Space Exhibit Commission pursuant to Constitutional Amendment No. CCXXIV | 227,480.00 |
| (6) For the payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided by in Act No. 248, 1967 Regular Session, Estimated | 438,445.00 |

C. FROM FUNDS OTHER THAN GENERAL FUND:

(1) ALABAMA STATE
BOARD OF PUBLIC
ACCOUNTANCY:

For salaries, other expenses and equipment purchases	105,000.00
In addition to the amount ap-	

propriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant.

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

(2) AERONAUTICS
DEPARTMENT:

(a) For the salary of the Director, Estimated	22,729.00	
For other salaries	70,000.00	
For other expenses	40,079.00	
For equipment purchases	1,000.00	
	<hr/>	
Total		133,808.00
(b) For State Aid to Airports —		
For Airports and Air-markings		450,000.00

The above appropriations to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts	150,000.00
---	------------

The above appropriation is payable from the funds transferred to this account

in Item III A (4) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.

(4) AGRICULTURE AND INDUSTRIES:

(a) For the salary of the Commissioner	22,959.00	
For other salaries	2,576,863.00	
For other expenses	910,000.00	
For equipment purchases	80,000.00	
For automotive equipment purchases	109,738.00	
For transfer to State Personnel Department	10,990.00	
For transfer to Agriculture Center Board	54,450.00	
For awarding prizes and premiums	20,000.00	
For transfer to Telephone Revolving Fund	18,900.00	
Total		3,803,900.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriations made to said fund in Item III A (5)(a). The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Con-

trol, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables, and any other services connected with the operations of Agriculture and Industries in the State of Alabama. Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries	66,000.00
For other expenses	14,550.00
For equipment purchases	1,000.00
For automotive equipment purchases	11,000.00

Total	92,550.00
-------------	-----------

The above appropriations are payable from funds in the Egg Inspection Fund and shall include the appropriations made to said fund in Item III A (5) (c).

(c) Meat and Poultry Inspection Division:

For salaries	990,000.00
For other expenses	255,000.00
For equipment purchases	4,000.00

Total	1,249,000.00
-------------	--------------

The above appropriations are payable from the funds to the credit of the credit of the Meat and Poultry Inspection Fund and shall in-

clude the appropriation made herein Item III A (5) (b).

(d) Plant Industry Division
(Fire Ant Control):

For salaries, other expenses, equipment purchases and for purchase of insecticides and chemicals for control of the fire ant, estimated 250,000.00

The above appropriations are payable from the funds transferred to this account in Item III A (5) (d) of this Act. In addition to the above appropriation, any fund received for this work from the Federal Government and grants and contributions from other sources are hereby appropriated.

(e) Agriculture Center Board:

For salaries	36,036.00
For other expenses	9,100.00
For rental (Livestock Coliseum, Montgomery)	54,450.00

Total	99,536.00
-------------	-----------

The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in Item III A (6) (a) and Item III C (4) (a).

(f) Livestock Coliseum:

For salaries	115,000.00
For other expenses	165,000.00
For equipment purchases	6,000.00
For repairs to Coliseum	25,000.00

Total	311,000.00
-------------	------------

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation herein above includes the appropriation made to said Fund as provided in Item III A (67).

(g) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956). For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for

the sale of agricultural
commodities.

(5) ALCOHOLIC BEVERAGE
CONTROL BOARD:

(a) Administrative and
Stores Division:

For the salary of the Administrator	22,729.00	
For other salaries	10,336,115.93	
For other expenses (Transportation cost for merchandise ex- cluded)	3,342,074.00	
For equipment pur- chases	223,043.00	
For automotive equip- ment purchases	5,000.00	
Awards for Convic- tions, estimated	1,000.00	
For transfer to State Personnel Depart- ment	36,750.00	
For transfer to Mental Health Department...	375,000.00	
For transportation cost merchandise, esti- mated	490,193.00	
For transfer to Tele- phone Revolving Fund	11,340.00	
Total		14,843,244.93

In addition to the above
appropriations herein
made there is hereby
appropriated for each
additional retail store
put into operation dur-
ing the fiscal year, an
amount equal to the sum
required to install and
operate the last com-
parable retail store put
into operation by said
Board provided, how-
ever, that the sum ap-
propriated for the op-

eration of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory of an economic and successful sales operation.

(b) Law Enforcement Division:

For salaries	1,520,060.00
For other expenses	563,996.00
For equipment purchases	34,000.00
For automotive equipment purchases	160,000.00

Total	2,278,056.00
-------------	--------------

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For salaries	629,388.00
For other expenses	317,972.00
For equipment purchases	4,500.00

Total	951,860.00
-------------	------------

In addition to the above appropriation it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by proper referendum authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt or brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such malt or brewed beverages.

(6) STATE BOARD OF
REGISTRATION FOR
ARCHITECTS:

For salaries	10,000.00
For other expenses	22,000.00
For equipment purchases	300.00

Total	32,300.00
-------------	-----------

The above appropriation is

payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

For salaries and other expenses	1,009,000.00
For equipment purchases	10,000.00
For automotive equipment purchases	5,000.00
For matching Federal Funds for the Construction and Renovations of Armories:	
Elba	80,000.00
Enterprise	193,000.00
Gadsden	160,000.00
Guntersville	114,000.00
Jacksonville	134,000.00
Total	1,705,000.00

The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories and construction as provided in Item III A(70)(d) in this Act. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) ALABAMA COUNCIL ON
THE ARTS AND
HUMANITIES:

For salaries, other expenses and equipment purchases ...	100,000.00
---	------------

The funds hereinabove appro-
priated to the Alabama
Council on the Arts shall be
paid out of the Council on
the Fine Arts Fund and the
appropriation hereinabove
made includes the appropri-
tion made in Item III
A(11) of the Act.

(9) DEPARTMENT OF
BANKING:

(a) Bureau of Banking:

For salaries, other expen- ses, equipment purcha- ses and automotive equipment purchases, estimated	537,000.00
---	------------

The above appropriaton
shall be paid from the
Banking Assessment
Fees as provided in Act
No. 373, 1965 Regular
Session.

(b) Bureau of Credit Unions:

For salaries	69,667.00
For other expenses	28,115.00
For equipment purchases	1,000.00

Total	98,792.00
-------------	-----------

The above appropriation
shall be paid from the
Banking Department—
Bureau of Credit Un-
ions as provided in Act
No. 2293, Regular Ses-
sion 1971.

(10) DEPARTMENT OF
BANKING — LOAN
EXAMINATION FUND:

For salaries	230,000.00
For other expenses	65,000.00

For equipment purchases 500.00

Total 295,500.00

The above appropriation shall be paid out of the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session.

(11) ALABAMA STATE BAR ASSOCIATION:

For salaries 100,000.00

For other expenses 135,000.00

For equipment purchases 500.00

Total 235,500.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(12) ALABAMA BICENTENNIAL COMMISSION:

For salaries and expenses 30,000.00

The above appropriation is payable out of the funds to the credit of the Alabama Bicentennial Commission Fund and shall also include the appropriation in Item III A (19).

(13) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries 3,000.00

For other expenses 7,700.00

Total 10,700.00

The above appropriation shall be paid out of the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

1923

(14) CONSERVATION
DEPARTMENT:

(a) Administrative Division:

For salary of the Director	22,728.94	
For other salaries	498,079.90	
For other expenses	312,172.00	
For equipment purchases	8,000.00	
For transfer to Personnel Department	17,010.00	
For transfer to telephone revolving Fund	7,560.00	
	<hr/>	
Total		865,550.84

The above appropriations shall be paid out of the Department of Conservation - Administrative Fund and includes the appropriations made to this Division as provided in this section.

(In addition to the monies hereinabove appropriated to the Administrative Division there is hereby conditionally appropriated to the Administrative Division conditioned upon the passage of legislation increasing vessel registration fees.)

For other salaries and expenses	60,000.00
---------------------------------------	-----------

(b) Game and Fish Division:

For salaries	2,953,643.00
For other expenses	1,384,363.00
For equipment purchases	198,000.00
For automotive equipment purchases	232,140.00
For transfer to Conservation Department — Administrative Account	339,505.81
For transfer to Telephone Revolving Fund	7,380.00
	<hr/>

Total	5,115,031.81
-------------	--------------

The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.

(c) State Lands Division :

1. For salaries	85,000.00	
For other expenses	30,000.00	
For equipment purchases	5,000.00	
For transfer to Conservation Department-Administrative Account	14,000.00	
Total		134,000.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund.

2. In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and off-shore areas		125,000.00
--	--	------------

(d) Marine Police Division :

For salaries	646,051.00	
For other expenses	274,000.00	
For equipment purchases	90,000.00	
For automotive equipment purchases	70,000.00	
For transfer to Conservation Department-Administrative Account ...	126,101.00	

Total		1,206,152.00
-------------	--	--------------

The funds hereinabove

1925

are appropriated to the
Marine Police Division
of Marine Police Fund.

In addition to the mon-
ies hereinabove appro-
priated there is hereby
conditionally appropri-
ated from the Marine
Police Fund to the Ma-
rine Police Division
conditioned upon the
passage of legislation
to increase vessel regis-
tration fees.

For salaries	80,200.00	
For other expenses	53,100.00	
For equipment purchases	64,000.00	
For automotive equip- ment purchases	27,900.00	
For transfer to Conserva- tion Department - Ad- ministrative Account ...	60,000.00	
Capital Outlay		
For access areas	270,500.00	
For aids to navigation	45,000.00	
Total		600,700.00

(e) Marine Resources Divi-
sion:

For salaries	365,000.00	
For other expenses	165,000.00	
For equipment purchases	15,000.00	
For automotive equip- ment purchases	15,000.00	
For transfer to Conser- vation Department-Ad- ministrative Account ...	55,000.00	
For Gulf State Marine Fisheries Commission...	5,000.00	
Total		620,000.00

In addition to the monies
hereinabove appropri-
ated, all monies derived
from contracts, grants,
or other agreements
concerning or relating
to marine biological re-

search performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated to the Division is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be paid out of the Marine Resources Fund.

In addition to the monies hereinabove appropriated there is hereby conditionally appropriated from the Marine Resources Fund to the Marine Resources Division conditioned upon the passage of legislation providing for a saltwater sport fishing license.

Capital Outlay		
For access areas	75,000.00	
For artificial reefs	20,000.00	
Total		95,000.00

(f) State Parks Division:

For salaries, other expenses, equipment purchases, automotive equipment purchases, capital outlay and for transfer to Conservation-Administrative Account, Estimated	1,086,000.00
--	--------------

(Provided, however, of

the amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance of Tannehill State Park.)

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund. The funds hereinabove appropriated shall include the appropriations made in Item III A (25) in this Act.

(15) STATE LICENSING
BOARD FOR GENERAL
CONTRACTORS:

For salaries	77,000.00
For other expenses	42,000.00
For equipment purchases	7,800.00

Total	126,800.00
-------------	------------

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable out of the funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(16) BOARD OF CORRECTIONS:
For the salary of the Commis-

1928

sioner	23,866.00
For other salaries	5,803,655.00
For other expenses	3,300,000.00
For equipment purchases	150,000.00
For automotive equipment purchases	100,000.00
For Debt Service, estimated ..	60,000.00
For transfer to the State Per- sonnel Department	21,560.00

Total	<u>21,560.00</u>	9,459,081.00
-------------	------------------	--------------

The funds hereinabove appropriated to the Board of Corrections shall be paid out of the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III A(26) of this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

(17) ALABAMA BOARD OF
COSMETOLOGY:

For salaries	96,941.00
For other expenses	85,000.00
For equipment purchases	5,000.00
For construction of building ...	75,000.00

For construction of building ...	<u>75,000.00</u>
----------------------------------	------------------

The above appropriations shall be payable from the funds in the State Treasury to the

credit of the Alabama Board
of Cosmetology pursuant to
provisions of Act No. 653,
1957 Regular Session.

(18) DAIRY COMMISSION:

For salaries	177,570.00
For other expenses	100,000.00
For cost study	20,000.00
For equipment purchases	1,500.00

Total	299,070.00
-------------	------------

The above appropriations shall
be paid out of the Dairy
Commission Fund as is pro-
vided in Title 22, Chapter 7,
Code of Alabama 1940.

(19) ALABAMA
DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, auto- motive equipment purcha- ses, national advertising and industrial promotion and contracts, estimated	2,561,000.00
--	--------------

The above appropriations shall
be paid from Alabama De-
velopment Office Fund and
shall include appropriations
made in Item II A (31) of
this Act. All gifts, grants,
contributions or other ap-
propriations received by the
Alabama Development Of-
fice from whatever source
are hereby appropriated.

(20) ALABAMA STATE DOCKS
BOARD:

For transfer to the State Per- sonnel Department	3,640.00
---	----------

The above appropriations shall
be paid from income, re-
ceipts and revenues derived
from the operations of the
operations of the Alabama
State Docks Board.

(21) STATE BOARD OF
REGISTRATION FOR
PROFESSIONAL
ENGINEERS AND LAND
SURVEYORS:

For salaries	60,400.00	
For other expenses	45,000.00	
For investigations and court costs	15,000.00	
For equipment purchases	500.00	
	<hr/>	
Total		120,900.00

The above appropriations are payable out of funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

(22) ALABAMA ETHICS
COMMISSION:

For operations of the Alabama Ethics Commission, estimated		136,000.00
---	--	------------

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (37) of this Act.

(23) FARMERS MARKET
AUTHORITY:

For salaries	31,559.00	
For other expenses	13,841.00	
	<hr/>	
Total		45,400.00

The above appropriations shall be paid from the funds in State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (39) of Act.

(24) DEPARTMENT OF
FINANCE:

Data Systems Management:

For operations of Data Sys- tem Management	150,000.00
---	------------

The above appropriations shall be paid from the Data Systems Management Fund and shall include the appropriation herein made in Item III A (41) (e) of this Act.

(25) FIRE MARSHALL FUND:

For salaries	100,000.00
For other expenses	85,000.00
For equipment purchases	2,500.00

Total	187,500.00
-------------	------------

The above appropriations shall be paid from the Fire Marshall fund as provided in Act 1938, 1971 Regular Session.

(26) STATE FORESTRY
COMMISSION:

For salaries	3,800,000.00
For other expenses	902,065.00
For equipment purchases	150,000.00
For automotive equipment purchases	73,755.00
For transfer to State Person- nel Department	12,180.00
For transfer to Tel. Revolving Fund	19,440.00

Total	4,957,440.00
-------------	--------------

The funds hereinabove appropriated to the Forestry Commission shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III A (43) of this Act. It is provided that in the event receipts into the Forestry Fund from County appropriations exceed the sum of \$500,000.00, then

such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Fund from Federal Funds exceed the sum of \$793,000.00, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(27) STATE BOARD OF
REGISTRATION FOR
FORESTERS:

For other expenses	7,305.00	
For equipment purchases	700.00	
	<hr/>	
Total		8,005.00
The above appropriations are payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.		

(28) LICENSING BOARD FOR
THE HEALING ARTS:

For salaries	46,318.00	
For other expenses	14,250.00	
For equipment purchases	15,000.00	
	<hr/>	
Total		75,568.00
The above appropriations are payable out of the funds in the State Treasury to the Licensing Board for the Healing Arts.		

(29) HEALTH DEPARTMENT:

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, estimated

1,656,785.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchase, and transfers for County Health Work, estimated

2,121,300.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session.

(c) County Health Work:

For salaries, other expenses, and equipment purchases, estimated

2,869,000.00

The above appropriations are payable from any funds transferred to this account in Item III A (52) (a) and funds transferred in Item III C (29) (a) and Item III C (29) (b) in this Act. In addition to the above appropriation, and funds received for this work from the several counties or the Federal Government are hereby appropriated.

1934

(d) Ambulance Operators
(Emergency Medical Services):

For salaries, other expenses and equipment purchases, estimated 55,650.00

The above appropriations are payable from the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A (52) (a) of this Act.

(e) Hearing Aid:

For salaries 2,867.00
For other expenses 9,150.00
For equipment purchases 600.00

Total 12,617.00

The above appropriations are payable from the funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) Hospital Licensing:

For salaries and other expenses, estimated 37,500.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include any funds transferred in Item III A (52) (a) in this Act.

(g) Indigent Care:

For salaries and for dis-

1935

tribution to counties,
estimated

337,442.00

The above appropriations are payable from any funds transferred to this account in Item III (52) (a) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(h) Medicaid:

For the operation of the
Medicaid Program

50,273,500.00

The above appropriations are payable from the funds transferred to this account in Item III A (52) (b) of this Act. In addition to the above appropriations, any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government are hereby appropriated. (Provided no more than 10% override of $\frac{1}{4}$ of budget can be spent in the first quarter, 5% override in the second quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to quarter and no funds will lapse if not spent in any quarter.)

(i) Bureau of Vital Statistics:
For salaries, other expen-

ses and equipment purchases, estimated	410,000.00
The above appropriations are payable from the the funds in the Vital Statistics Fund and shall include any funds transferred to this account in Item III A (52) (a) of this Act.	
(j) Water Plant Operators Certifications:	
For expenses and equipment purchases	4,250.00
The above appropriations are payable from the funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.	
(k) Water Well Standards Board, Alabama:	
For salaries, other expenses and equipment purchases	48,933.00
The above appropriations are payable from the Water Well Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.	
(30) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:	
For salaries, other expenses, and equipment purchases ...	75,000.00
The above appropriations are payable from the funds transferred to this account in Item III A (54) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.	

(31) ALABAMA HISTORICAL COMMISSION:

For operations of the Alabama Historical Commission	144,720.00
---	------------

The above appropriations shall be paid from the Alabama Historical Commission Fund transferred to this account in Item III A (55) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source are hereby appropriated.

(32) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the salary of the Director, estimated	22,694.00
---	-----------

For transfer to the State Personnel Department	35,420.00
--	-----------

For transfer to Telephone Revolving Fund	159,536.00
--	------------

For other salaries and expenses incident to the operation and management of the Department; for U.S. Employment Compensation, and for such other funds, services and operations for which the United States Government may provide monies; there is hereby appropriated. In addition to the amounts appropriated herein in Item III A (58) all such sums as the United States Government may make available therefor.

(33) STATE INSURANCE FUND:

For salaries	161,470.00
For other expenses	53,331.00
For equipment purchases	3,000.00
For automotive equipment purchases	5,000.00

1938

Total	222,801.00
The above appropriations are payable from the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.	
(34) LAW ENFORCEMENT FUND	10,000.00
The above appropriations shall be paid from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.	
(35) LIQUEFIED PETROLEUM GAS BOARD:	
For salary of Director, estimated	18,018.00
For other salaries	35,582.00
For other expenses	17,000.00
For equipment purchases	1,000.00
Total	71,600.00
The above appropriations shall be paid from receipts paid into the Liquefied Petroleum Gas Fund.	
(36) BOARD OF NURSES' EXAMINERS AND REGISTRATION	
For salaries	123,270.00
For other expenses	95,000.00
For equipment purchases	2,500.00
For automotive equipment purchases	4,000.00
Total	224,770.00
The above appropriations are payable out of the funds in	

the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(37) BOARD OF NURSING
HOME ADMINISTRATION:

For expenses incident to the operation and maintenance of the Board of Nursing Home Administration, estimated

23,600.00

The above appropriations shall be paid from receipts paid into the Board of Nursing Home Administration Fund.

(38) PEACE OFFICERS
ANNUITY AND BENEFIT
FUND, ALABAMA:

For salaries	81,321.00
For other expenses	39,200.00
For equipment purchases	3,000.00

Total

123,521.00

The appropriations shall be paid from the Peace Officers Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

(39) PENSIONS:

(a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(40) DEPARTMENT OF
PENSIONS AND
SECURITY:

For the salary of the Commissioner, estimated	22,694.00
For transfer to the State Personnel Department	106,120.00
For transfer to Tele. Revolving Fund	126,496.00
For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated. In addition to the amounts set out in Item III A (73), all Federal, State, County and Municipal Funds made available therefor.	

(41) PERSONNEL
DEPARTMENT:

For the salary of the Director, estimated	22,605.25
For other salaries	440,000.00
For other expenses	145,244.75
For equipment purchases	17,150.00
Total	625,000.00

The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(42) BOARD OF EXAMINERS
OF PSYCHOLOGY:

For salaries, other expenses, and equipment purchases, estimated	2,640.00
--	----------

The above appropriations shall be paid from the receipts paid into the Board of Examiners of Psychology Fund and shall include the appro-

priation made in Item III A
(79) of this Act.

(43) BUREAU OF PUBLICITY
AND INFORMATION:

For salaries	85,070.00
For other expenses	79,600.00
For equipment purchases	4,000.00
For automotive equipment pur- chases	5,000.00
For advertising	650,000.00

Total

823,670.00

The above appropriations shall
be paid from the receipts
collected under the provi-
sions of Act No. 269, 1963
Regular Session.

(44) PUBLIC SCHOOL FUND:

For the Public School Fund
all funds derived from the
levy of the special annual
tax of thirty cents on
each one hundred dollars
(\$100.00) of taxable prop-
erty in this State for the
support and maintenance of
the public schools and from
other funds mentioned and
enumerated in Sections 257,
258 and 260 of the Constitu-
tion of 1901; and the amount
appropriated from all other
funds as is now provided by
law, provided, however, not
more than four percent of
all funds appropriated in
this Section shall be used
or expended otherwise than
for the payment of teachers
employed in such schools.

(45) PUBLIC SERVICE
COMMISSION:

For salary of the President and Two Associate Commis- sioners	62,085.00
For other salaries	1,100,000.00
For other expenses	329,000.00

1942

For equipment purchases	20,000.00
For automotive equipment purchases	30,000.00
For transfer to telephone Rev. Fund	16,740.00

Total	1,557,825.00
-------------	--------------

The above appropriations to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(45) ALABAMA REAL ESTATE COMMISSION:

For salaries	125,000.00
For other expenses	75,000.00
For equipment purchases	10,000.00

Total	210,000.00
-------------	------------

The above appropriations shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(47) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft

Fund:

For expenses incident to the operations of the Auto Title and Auto Theft Act, estimated	500,000.00
---	------------

The above appropriation shall be paid from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and Shall include the appropriation made in Item III A (86) (b).

(48) **DEPARTMENT OF
REVENUE:**

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (86) (a) of this Act.	1,201,096.54
---	--------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department	124,416.37
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department	126,809.00
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department	832,632.66
--	------------

There is hereby appropriated for transfer to Revenue De-

partment, Administrative Account from the Income Tax Collections for the cost of collecting said tax	2,765,871.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department	480,917.14
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department	486,898.70
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	148,342.60
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	367,267.57
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department...	3,848,533.43
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the	

cost of operating said Department	793,154.39
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	247,636.44
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department...	379,230.68
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department	160,305.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	1,552,500.00
(49) DEPARTMENT OF REVENUE — ADMINISTRATIVE ACCOUNT:	
For salary of Commissioner ...	22,728.94
For other salaries	7,958,254.00
For other expenses, estimated	2,497,600.00
For equipment purchases	30,000.00
For automotive equipment purchases	22,000.00
For transfer to State Personnel Department	24,780.00

1946

For transfer to Telephone Re-
volving Fund 29,160.00

Total 10,584,522.94

The amounts hereinabove ap-
propriated for the cost of
maintenance and operation
of the Department of Reve-
nue are in lieu of any other
statutory provision for the
payment of the cost of op-
erating said Department or
collection of the taxes as au-
thorized by law. Provided,
however, in addition to the
amount, hereinabove appro-
priated, there is hereby ap-
propriated to the Depart-
ment of Revenue all sums
allowed the Department of
Revenue by local Acts of
the Legislature as a charge
for the collection of taxes
or licenses.

(50) STATE BOARD OF
REGISTRATION FOR
SANITARIANS:

For salaries 1,200.00
For other expenses 1,900.00

Total 3,100.00

The above appropriations shall
be paid from the receipts
collected under the provi-
sions of Act No. 209, 1964
Second Special Session.

The appropriations hereina-
bove made shall be paid from
the funds transferred from
the Alcoholic Beverage Con-
trol Board to the Education
Department.

(52) ALABAMA THERAPIST
BOARD:

For expenses 6,700.00
For equipment purchases 200.00

1947

Total		6,900.00
The above appropriations shall be paid from receipts paid into the Alabama Therapist Board Fund.		
(53) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:		
For salaries	100.00	
For other expenses	11,500.00	
For equipment purchases	400.00	
Total		12,000.00
The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.		
(54) UNIVERSITY OF ALABAMA — BIRMINGHAM — MEDICAL CENTER:		
For constructing, operating and maintaining a school or college of Optometry, estimated		15,000.00
The above appropriations shall be paid from the funds in the State Treasury to the credit of the Optometry Trust Fund.		
(55)(1) BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:		
(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients		2,200,000.00

1948

(b) Center for Learning disorders for Mental Retardation	100,000.00
(2) TO STATE MENTAL HEALTH DEPARTMENT:	
(a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals....	32,122,872.46
Conditional upon the condition of the fund and upon the approval of the Governor	3,900,000.00
(b) For operation and maintenance of Community Mental Health Programs	6,650,000.00
(3) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI	200,910.20
(The appropriations hereinabove made in Items 1, 2, 3 shall be paid from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)	
(4) STATE DEPARTMENT OF MENTAL HEALTH:	
For transfer to the State Personnel Department	151,410.00
For transfer to Telephone Revolving Fund	186,440.00
For support, maintenance and capital expenditures the several sums appropriated in Item 4 of sub-section (55) and the amounts provided in Act No. 654, 1965 Regular Session and Act No. 275,	

1967 Regular Session and the Education Appropriation Bill are hereby appropriated. Expenditures to be made at the direction of the Alabama Mental Health Board.

(56) HIGHWAY DEPARTMENT:

(1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highway and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

(2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

- | | |
|---|---------------|
| (a) For transfer to the State Personnel Department | 139,580.00 |
| (b) For the administration of the State Highway Department for salaries and other expenses | 5,600,000.00 |
| (c) For operation of the State Highway Department, for salaries and other expenses... | 505,000.00 |
| (d) For supervision of the State Highway Department, for salaries and other expenses... | 9,563,000.00 |
| (e) For equipment purchases, Road Machinery and Equipment | 7,00,000.00 |
| (f) For Equipment Purchases—Other Equipment | 500,000.00 |
| (g) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses | 31,334,991.50 |
| (h) For the purchase or construction of land and building for the operation of the Highway Department | 1,500,000.00 |
| (i) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses, conditional upon the release of any of the conditional appropriations contained in Section 2, III, A (113) of this Act | 3,000,000.00 |
| (j) To establish a Revolving Fund for Inventories, Manufacturing, and clearing accounts | 4,500,000.00 |

(k) For transfer to the Telephone Revolving Fund 112,808.00

(3) There are also appropriated, out of the proceeds from the sale of bonds that may hereafter be issued for public highway and bridge purposes, or either, by the State of Alabama or by Alabama Highway Authority of the revenues accruing to the State Highway Department, the following sums for the following purposes:

(a) For matching Federal Funds 39,000,000.00

(b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available 3,000,000.00

(c) For construction of roads and bridges for which no matching funds are available 7,995,037.50

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among sub-sections (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

(4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:

(a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made in Section 1 hereof shall be paid in full:

(2) the appropriations made in Section 2 hereof shall be paid in full:

(3) the appropriations from the revenues accruing to the Highway Department that are herein made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in the said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct; and

(5) The funds appropriated in Section 3 hereof, for the matching of Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

(6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-call "Captive Counties" for road and bridge construction and maintenance, and for sala-

ries, other expenses, equipment purchases, and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.

(7) In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal funds accruing thereto to be expended only for the purposes for which such funds are made available.

(8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

(57) ALABAMA SPECIAL EDUCATIONAL TRUST FUND:

There are also appropriated, out of the revenue accruing to the Alabama Special Educational Trust Fund the following sums for the following purposes:

(1) UNIVERSITY OF ALABAMA —
UNIVERSITY HOSPITAL & CLINICS:

For operation and maintenance 2,000,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Hospital and Clinics for patient care services.)

(2) UNIVERSITY OF SOUTH ALABAMA —
UNIVERSITY MEDICAL CENTER:

For operation and maintenance 500,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any

portion of this appropriation in determining reimbursement to University Medical Center for patient care services.)

- (3) For transfer to State Department of Mental Health to be expended by the State Department of Mental Health to educate, train and rehabilitate persons under the care and control of the State Department of Mental Health who have emotional and psychological problems or mental deficiencies requiring such special education, training and rehabilitation at Partlow State School and Hospital and other institutions where such persons reside19,000,000.00
- (4) For Transfer to the State General Fund 8,957,000.00

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as "estimated", and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1975, through September 30, 1976, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

A. Parks:	
For operation and maintenance of the	
Parks System	2,250,000.00
B. Mental Health	8,000,000.00
C. Transportation	15,000,000.00
D. Board of Corrections:	
For operations	5,000,000.00
E. Economic and Community Development	1,500,000.00
F. General Government	2,205,972.00

The appropriations made in this sub-section shall not revert or lapse but shall remain available for the purpose for which the appropriations were made.

In the event that the amount of funds actually received is or lapse but shall remain available for the purposes for which the appropriations were made.

In the event that the amount of funds actually received is greater than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct the excess over the anticipated entitlement in such order and with such priorities as he deems proper.

In the event that the amount of funds actually received is

less than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct such reductions in amounts herein appropriated as he deems proper.

Any unappropriated balances from the previous fiscal years or interest heretofore or hereafter earned from investments of funds received as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, are hereby appropriated for such purpose or purposes as the Governor deems necessary.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1975 for such items, unless approved or re-approved on or after October 1, 1975, by the Division of Data System Management and the Director of Finance.

Section 9. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That this Act shall become effective October 1, 1975.

Approved October 9, 1975.

Time: 11:15 P.M.

Act No. 935

H. 1555—Edwards, Plaster

AN ACT

Relating to Lowndes County; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Lowndes County is hereby authorized and empowered to maintain roadways and driveways connecting private residences with public roads up

to a distance of 1/4 of a mile.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 936

H. 1064—Carothers, Crawford

AN ACT

To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of license commissioner in Houston County. The first such license commissioner shall be appointed by an appointing authority consisting of the judge of probate, the chairman of the county commission, and the revenue commissioner and shall serve until his successor assumes office after the general election of 1978. Successors to the first license commissioner shall be elected at the general election in 1978 and every four years thereafter. He shall take office from the first Monday after the second Tuesday in January next succeeding his election.

Section 2. The office of license inspector provided for by the Code of Alabama 1940, Title 51, Section 835 is hereby abolished. The license commissioner shall enforce all laws concerning licenses and shall have the responsibility to see that the necessary licenses and tags are purchased. The license commissioner shall have the authority to issue citations to insure that the necessary licenses or tags are purchased.

Section 3. The license commissioner shall be paid a salary of \$10,400 per annum payable in equal monthly installments from the general fund of the county. All penalties received from the sale of licenses or tags shall be returned to general fund of the county. In addition, the license commissioner shall be entitled to 12¢ per mile for the use of his personal vehicle in the performance of his duties.

Section 4. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and sup-

plies as the law now requires to be furnished by the state revenue department or the state comptroller.

Section 5. It is the intent and purpose of this act to insure that the license and tag laws of Houston County are followed by all and to provide the authority to enforce the same.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 937

H. 1189—Jolly

AN ACT

To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of supernumerary sheriff for Blount County, Alabama.

Section 2. That any person who has served not less than 15 consecutive years as sheriff of Blount County, Alabama and while he is serving as the sheriff of Blount County, Alabama, may elect to become a supernumerary sheriff of Blount County, Alabama.

Section 3. That any person who elects to become a supernumerary sheriff of Blount County, Alabama, shall file a certificate with the Secretary of State of the State of Alabama and the Blount County Commission of his election to become a supernumerary sheriff for Blount County, Alabama.

Section 4. That any person electing to become a supernumerary sheriff of Blount County, Alabama under the provisions of this act shall after the filing of said certificate as required by the above and foregoing paragraph, file the oath of office required by law for sheriffs and after said filing, shall be duly elected, appointed and constituted a supernumerary

sheriff for Blount County, Alabama.

Section 5. The duties of the supernumerary sheriff of Blount County, Alabama shall be to serve as a consultant to the Sheriff of Blount County, Alabama relating to law enforcement.

Section 6. The governing body of said county shall deduct from the salary of the sheriff of Blount County in the amount equal to four percent (4%) of the monthly salary paid the said sheriff of Blount County. Such sum shall be deducted monthly from and after the effective date of this act and paid into the general fund of the county. Any persons subject to the provisions of this act may, during his term of office, and prior to becoming supernumerary as provided herein, elect to withdraw an amount equal to the amount paid by him into the county general fund under the provisions in this section, and such shall be repaid to him. Thereafter he shall not be entitled to become a supernumerary hereunder. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. No sheriff shall be eligible to become supernumerary unless two (2) years' payments as provided by this section have been paid, however, any sheriff who otherwise qualifies may become eligible upon the effective date of this act, by paying in a lump sum an amount equal to four per cent (4%) of his compensation received during his last two years in office.

Section 7. A person serving as a supernumerary sheriff under the provisions of this act shall serve for life and shall be paid a salary of \$7,200.00 per year in equal monthly installments from the general fund of Blount County, Alabama.

Section 8. All laws or parts of law which conflict with this act are repealed.

Section 9. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 938

H. 1720—Reed

AN ACT

Relating to all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein

defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. — The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the "Alcoholic Beverage Control Board."

(b) "Malt" or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wine," "vinous beverages," "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" shall mean any incorporated city or town of this state, and its policy jurisdiction.

(f) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this chapter.

(h) "Wine Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wine (of alcoholic content four-

teen percent or less) within counties in which this Act applies at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

Section 2. Any provision of Section 24 of Chapter 1, Title 29, Code of Alabama, 1940, to the contrary notwithstanding, in all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, table wines as herein defined may be sold at retail by any licensed wine retailer, as herein defined for off premises consumption only. A wine wholesaler, as herein defined may sell to a wine retailer table wines that have been purchased from a licensed manufacturer as herein defined.

Section 3. Retail Wine License.—In all counties where this Act applies the board shall have authority to issue a retail wine license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off premise consumption in such counties.

Section 4. Application.—In counties where this Act applies every applicant for a retail wine license shall file a written application with the board, in such form as the board may prescribe, which shall be accompanied by a license fee of \$100.00 and a filing fee of \$10.00 together with the amount or amounts of the prescribed license fee or fees, if any levied by the counties in which this Act applies.

Section 5. Issuance.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wine from a licensed wine wholesaler and resell the same at retail for off premise consumption in counties where this Act applies.

Section 6. Wine wholesaler's license.—The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed manu-

facturers, to purchase table wine from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in counties in which this Act applies. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of \$500.00 and a \$10.00 filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the counties in which this Act applies. In addition the applicant shall file with his original application a bond in the penal sum of not less than \$1,000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

In counties in which this Act applies licensed beer wholesalers may become licensed wine wholesalers upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the board herein required.

Section 7. Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in counties in which this Act applies shall register with the board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the board a filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in counties in which this Act applies and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board, or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 8. License Renewal.—The wine retail, wine whole-

sale and manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of an existing license. All license fees paid other than those levied by the counties in which this Act applies shall be retained by the board as part of its net profit from operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto the board shall have the authority, in the case of a wine retailer to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

Section 10. Unlawful Acts.—In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 AM and 9:00 PM, Monday through Saturday. No table wine shall be sold on any Sunday, primary election day, general election day or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising.—In the counties in which this Act applies, table wines may be advertised in the same manner and through the same media that beer is now permitted to be advertised.

Section 12. Tax on table wine.—In counties in which this Act applies the tax on table wines shall be the same as levied by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama, 1940, and shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the 35% tax as provided by law and shall collect said tax from the wine retailer who, in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales

price and collect from the wine retailer the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the board along with the return. Such taxes paid to the board shall be considered as part of its net profits from operation and shall be distributed by the board. The wine wholesaler or distributor who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect a tax for any other level of government but nothing herein shall be construed to mean that taxes or licensing fees cannot be levied by the counties in which this Act applies, and by the municipalities in such counties.

The board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

Section 13. Stamps.—In counties in which this Act applies the wine wholesaler must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. It is the intention of this Act to authorize the sale of table wines, as herein defined, by a licensed wine retailer in counties in which this Act applies and to permit the purchase and resale by licensed wine wholesalers in such counties where this Act applies, to provide for the licensing of wine retailers, wine wholesalers and manufacturers; to provide for the collection, reporting and remitting of taxes now imposed by law. The provisions of Chapter 1, Article 29, Code of Alabama, 1940, not in conflict with this Act shall apply. However, where a conflict exists the provisions of this Act shall prevail.

Section 16. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law, however, no retail sale by a wine retailer shall be made until sixty (60) days from the date that this Act becomes law, whichever is later.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 939

H. 1722—Starkey

AN ACT

Relating to cities having a population of not less than 9,200 nor more than 9,400 inhabitants according to the most recent federal decennial census; to provide retirement allowances for elected officials in such cities and to provide for the payment of such allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all cities in this state having a population of not less than 9,200 nor more than 9,400 inhabitants according to the most recent federal decennial census.

Section 2. Any elected official of such city who is presently serving or who in the future may serve as an elected official and serves full time for a period of more than twenty years, shall be paid a retirement allowance equal to 50% of the average compensation he received as a salary during the two highest paid years while he served as such elected official, payable monthly.

Section 3. The retirement benefits provided for by this act shall commence on the first day of the first month following the day the person entitled thereto attains his 65th birthday and is no longer employed by or serving as a full time elected official of a city, county, state or federal government.

Section 4. The retirement pension provided by this act shall be paid for from the general funds of the city.

Section 5. This act shall not apply to the City Attorney or the Recorder, as they are not elected officials.

Section 6. This act shall become effective upon its passage and approval by the Governor and its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 940

H. 1735—Merrill, Quarles

AN ACT

To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits

for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, vol V., p. 3566) are hereby amended to read as follows:

"Section 3. In addition to all other taxes heretofore or hereafter levied on the possession for sale or the sale of alcoholic beverages in Alabama a tax is hereby levied on the possession for sale or the sale of spirituous, vinous and malt or brewed beverages in all counties to which this Act applies in the following amounts:

"On each miniature (1/10 pint) container of spirituous liquor sold at retail other than at a State Alcoholic Beverage Control Board Store, ten cents (.10¢).

"On each half-pint (8 ounces) container of spirituous liquor sold at retail other than a State Alcoholic Beverage Control Board Store, twenty-five cents (.25¢).

"On each container of wine, champagne, or other vinous liquors held for retail sale by the glass or by the bottle, twenty cents (.20¢) on containers up to sixteen ounces, and on containers in excess of sixteen ounces an additional twenty cents (.20¢).

"Section 6. (a) It shall be the duty of any person subject to the tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of tax to which such person is subject may be ascertained in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the probate judge thirty days' notice in writing of his intent to destroy or dispose of such records. The probate judge or his duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

"(b) Upon demand by the probate judge or his authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the tax imposed by this Act, to furnish, without delay, all such information as may be required for determination of the correct amount of tax to which such person is subject, and to that end it shall

be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, report, sales, receipts, inventories and any other information from which the correct amount of tax to which such person is subject may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

"(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports of memoranda correctly showing the date and information necessary for the determination of the correct amount of the tax due, and the required information as to sales in the several tax areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the probate judge to ascertain from such information and data as it may reasonably obtain the correct amount of tax due from such person and to assess the same against the person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

"(d) The tax shall be paid by each retail seller by the purchasing stamps or decals in the appropriate amounts from the Judge of Probate and the stamping of containers is to begin within three hours of receipt of containers at seller's place of business.

"Section 12. Any person, firm, or corporation who violates any provision of this Act, or the rules and regulations as may be prescribed by the judge of probate, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than five hundred dollars, and may also be imprisoned in the county jail for not more than six months."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its

1966

otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 941

H. 1741—Jolly, Brindley

AN ACT

Amending Section 1 of Act No. 567, H. 1518 of the Regular Session of 1973 (Acts 1973, page, 824) entitled An Act Relating to all counties having a population of not less than 26,725 nor more than 27,250; regulating the fees applicable to certain services rendered by the circuit court in equity of said counties, so as to increase the fees and charges set out therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 567, H. 1518 of the Regular Session of 1973 (Acts 1973, page 824) is hereby amended to read as follows:

“REGISTER’S FEES:

Docketing Cause	\$ 2.25
Issuing Subpoena	1.50
Per Copy	.70
Entering Return	.20
Entering Appearance	1.00
Filing Bills or other papers	.20
Decree pro confesso	1.75
Noting all Testimony	.50
Recording Questions and Answers per 100 words	.35
Entering Decree	2.00
For all other services relating to such proceedings	1.50
Final Record, 100 words	.30
Order of Publication	2.00
Abstract of Publication, 100 words	.50
Decree appointing Guardian ad Litem	2.00
Issuing Attachment writ	1.25
Entering return	.20
Issuing injunction writ or ne exeat	2.00
Per Copy	.75
Entering Return	.20
Entering order submitting cause for decree	.75
Any other order	.50
Copy of Bill or other paper, per 100 words	.25
Issuing commission to take testimony	1.25
Receiving and filing each package of testimony	.25
Endorsing each package of depositions published	.25
Taking accounts, swearing witness, etc. per day	4.15

1967

Taking testimony on reference, 100 words	.50
Report of Register	5.00
Issuing subpoena, each witness	.75
Witness certificate	.35
Hearing application for appointment of Receiver or Trustee	5.00
Settlement with Receiver, Trustee, Adm. or Exec.	5.50
Examining Vouchers, each	.25
Examining Answer or exception	4.15
Deed to property sold	5.50
Notices sent by mail to creditors	.25
Filing, Receipting for and docketing each claim	.50
Entries on subpoena docket	.70
Entries on commission docket	.70
Issuing certificate of Judgment to be recorded in Probate Court	.50
Taking and approving bond	5.00
Each certificate or affidavit with seal	1.25
Each certificate or affidavit without seal	.75
Each Notice not otherwise provided for	1.25
Entering orders by the Register	.75
Recording resignation, removal, or suggestion of death of trustees	1.25
Entering each certificate of Supreme Court	1.00
Transcript, per 100 words	.50
For each additional copy of transcript per page	.25
State certificate	.70
Relieving minors of disability of non-age	12.00
Answer and Waiver-Divorce case, 2 copies of Decree	20.00
Decree Pro Confesso on Personal service divorce case, 1 copy of decree	30.00
Dismiss Divorce Case	15.00
Decree Pro Confesso on Registered mail service, divorce case, 1 copy of decree	30.00
Decree Pro Confesso on Publication divorce case with 1 copy of decree	30.00
Certified copy of divorce decree	1.40
Issuing execution	1.50
Entering Return	.35

MISCELLANEOUS FEES AND TAXES

Summoning on Bill, Each Defendant	1.65
Executing Subpoenas for Witnesses, each	.85
Executing Writs of Possession, each	5.50
Executing Scire Facias or Notice, each	1.65
Taking and Approving Bonds, each	2.50
Collection Execution for Costs only, each	1.65
Fair Trial Tax	2.00
Court Reporter's Fees, Per Day or Fraction thereof	7.50

1968

Trial Tax	3.30
Impaneling Jury	.75"

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 942

H. 1828—Cates

AN ACT

Relating to Butler County; to provide salaries for certain county officers including an annual salary adjustment based on the cost of living index; and to provide that the county commission has the authority for providing and fixing the salaries of the employees of the county officers affected by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Butler County shall receive an annual salary in an amount of:

Probate judge	\$18,000, plus the same compensation received by each associate county commissioner
Tax assessor	\$15,000
Tax collector	\$15,000
Circuit clerk	\$15,000

These salaries for said officers are to take effect at the end of each officer's current term respectively, and are to be taken from the county general fund.

Section 2. In addition to the salaries for the county officers as stated in Section 1 of this Act, there shall also be an annual salary adjustment based on the national cost of living index, provided that on October 1 of each year, if the cost of living index has gone up four (4%) percent or more from the last time the index was adjusted, then the salary of each officer affected by this Act would go up in the same percentage. The first adjustment will be made on October 1, 1977, and will be based on the change in the cost of living since October 1, 1976.

Section 3. The county commission shall provide for the fixing of salaries of the employees of the officers affected by this Act.

Section 4. This bill shall become effective only if the majority of votes of Butler County and the state approve the constitutional amendment which allows certain officers of Butler County to be compensated on a salary basis.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 943

H.J.R. 6—Kinsey, McMillan, Sonnier

HOUSE JOINT RESOLUTION

CREATING A SELECT COMMITTEE TO STUDY THE BEST METHOD OF UTILIZING THE NATURAL RESOURCES OF SOUTHWEST ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a joint select committee to study the feasibility of:

1. Establishing a ferry service between Fort Morgan and Dauphin Island that would be capable of transporting automobiles across the mouth of Mobile Bay.
2. Constructing a fishing pier at Fort Morgan.
3. Expanding the road between Mobile and Dauphin Island to four lanes.

Such committee shall be composed of three members of the Senate and four members of the House to be appointed by the presiding officer of their respective houses. The members of the committee shall choose among themselves a chairman and a vice-chairman.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session; whereupon the committee shall be dissolved. Each member shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee. The committee is authorized to hire experts as are deemed necessary to accomplish the purpose for which this committee is established. Such sums shall be paid on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

AN ACT

To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 50,000 nor more than 52,000 inhabitants according to the most recent federal decennial census.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the public health and welfare, and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining in the following area contiguous to Lewis Smith Lake: the area bounded by the meandering line determined by following the contour established by the spillway elevation and a meandering line a distance of 1,000 feet away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00, nor more than \$1,000.00.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

1971

AN ACT

To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Piedmont in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Piedmont in Calhoun County; "employee" means any person including firemen and policemen, not excepted by Section 3 of this act, who is employed in the service of the City of Piedmont; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Piedmont Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof and (h) the secretary of the chief executive officer of the city.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Piedmont, which shall be composed of three members appointed by the members of the legislature who rep-

resent the City of Piedmont or any portion thereof. The following group shall each submit the names of three nominees to said legislative delegation:

1. All employees of the gas, water, street sanitation and electric department.
2. All employees of the police and fire department.
3. The Mayor and City Council.

The legislative delegation shall appoint one member from the nominees submitted by each group. Appointees shall serve for terms of Two (2) years; Four (4) years and Six (6) years, respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of Six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Piedmont and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Piedmont. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A rule or regulation may be made effective only after a public hearing is held on the pro-

posals thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: 1) classify the different types of services to be performed in the service of the city; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct

examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or

official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public.

All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the treasury of the city.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or

make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 8, 1975 without approval by the Governor.

Act No. 946

H. 1752—McCluskey

AN ACT

To create the office of supernumerary sheriff in all counties with a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent decennial census, and to prescribe the

1978

qualifications, duties and salary of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census, there is hereby created the office of supernumerary sheriff. All persons who have served for at least 12 years as sheriff of such counties and who are not less than 70 years of age, may elect to become a supernumerary sheriff by filing a statement under oath with the Secretary of State which states that such person meets the qualifications of such office.

Section 2. Upon receipt of such statement filed under Section 1 of this act the Secretary of State shall issue a certificate naming such person as a supernumerary sheriff in the county in which he has served.

Section 3. Such supernumerary sheriff shall be paid a salary of two hundred dollars (\$200.00) per month from the county general fund and shall advise the county sheriff's department on law enforcement problems as the need arises.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 947

H. 1841—Clark, Manley

AN ACT

Relating to all counties having populations of 10,660 or less according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as herein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the "Alcoholic Beverage Control Board."

(b) "Malt" or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing

one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wine," "vinous beverages," "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" shall mean any incorporated city or town of this state, and its policy jurisdiction.

(f) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this chapter.

(h) "Wine Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wine (of alcoholic content fourteen percent or less) within counties in which this Act applies at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell win.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

Section 2. Any provision of Section 24 of Chapter 1, Title 29, Code of Alabama 1940, to the contrary notwithstanding, in all counties having populations of 10,660 or less according to the most recent federal decennial census, table wines as herein defined may be sold at retail by any licensed wine retailer, as herein defined for off premises consumption only. A wine wholesaler, as herein defined may sell to a wine retailer table wines that have been purchased from a licensed manufacturer as herein defined.

Section 3. Retail Wine License.—In all counties where this Act applies the board shall have authority to issue a retail wine license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off premise consumption in such counties.

Section 4. Application.—In counties where this Act applies every applicant for a retail wine license shall file a written application with the board, in such form as the board may prescribe, which shall be accompanied by a license fee of \$100.00 and a filing fee of \$10.00 together with the amount or amounts of the prescribed license fee or fees, if any levied by the counties in which this Act applies.

Section 5. Issuance.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wine from a licensed wine wholesaler and resell the same at retail for off premise consumption in counties where this Act applies.

Section 6. Wine wholesaler's license.—The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed manufacturers, to purchase table wine from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in counties in which this Act applies. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of \$500.00 and a \$10.00 filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the counties in which this Act applies. In addition the applicant shall file with his original application a bond in the penal sum of not less than \$1,000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

In counties in which this Act applies licensed beer whole-

salers may become licensed wine wholesalers upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the bond herein required.

Section 7. Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in counties in which this Act applies shall register with the board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the board a filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in counties in which this Act applies and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board, or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wines made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 8. License Renewal.—The wine retail, wine wholesale and manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of an existing license. All license fees paid other than those levied by the counties in which this Act applies shall be retained by the board as part of its net profit from operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto the board shall have the authority, in the case of a wine retailer

to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

Section 10. Unlawful Acts.—In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 A.M. and 9:00 P.M. Monday through Saturday. No table wine shall be sold on any Sunday, primary election day, general election day or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising.—In the counties in which this Act applies, table wines may be advertised in the same manner and through the same media that beer is now permitted to be advertised.

Section 12. Tax on table wine.—In counties in which this Act applies the tax on table wines shall be the same as levied by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama, 1940, and shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the 35% tax as provided by law and shall collect said tax from the wine retailer who, in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the board along with the return. Such taxes paid to the board shall be considered as part of its net profits from operation and shall be distributed by the board. The wine wholesaler or distributor who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect a tax for any other level of government but nothing herein shall be construed to

mean that taxes or licensing fees cannot be levied by the counties in which this Act applies, and by the municipalities in such counties.

The board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

Section 13. Stamps.—In counties in which this Act applies the wine wholesaler must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. It is the intention of this Act to authorize the sale of table wines, as herein defined, by a licensed wine retailer in counties in which this Act applies and to permit the purchase and resale by licensed wine wholesalers in such counties where this Act applies, to provide for the licensing of wine retailers, wine wholesalers and manufacturers; to provide for the collection, reporting and remitting of taxes now imposed by law. The provisions of Chapter 1, Article 29, Code of Alabama, 1940, not in conflict with this Act shall apply. However, where a conflict exists the provisions of this Act shall prevail.

Section 16. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law, however, no retail sale by a wine retailer shall be made until sixty (60) days from the date that this Act becomes law, whichever is later.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 948

S.J.R. 98—Mitchell

SENATE JOINT RESOLUTION

A JOINT LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF A STATE-WIDE GROUP COMPRISED OF STATE EMPLOYEES AND EDUCATORS FOR HOSPITAL-MEDICAL INSURANCE.

WHEREAS, the State of Alabama currently appropriates a large sum of money for hospital-medical insurance benefits for state employees and educators, and

WHEREAS, it may be more economical to form a single group and provide similar or better hospital-medical insurance benefits; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Legislative Committee consisting of four House members appointed by the Speaker of the House, one of whom shall be the Chairman of the House Insurance Committee, and four members of the Senate appointed by the President of the Senate, one of whom shall be the Chairman of the Senate Insurance Committee, be appointed to study the feasibility of establishing a group consisting of state employees and educators for the purpose of purchasing hospital-medical insurance program(s) for the members of the group. The Joint Interim Legislative Committee shall elect a Chairman and a Vice Chairman from among the members appointed to the Committee.

BE IT FURTHER RESOLVED, that this committee will be paid per diem salary and expenses as in a session of the legislature and may employ such clerical and technical assistants as they deem necessary. The funds shall be paid from the regular Legislative Appropriation as provided in Title 32, Section 13, Code of Alabama, 1940.

BE IT FURTHER RESOLVED, that this committee shall report by the first legislative day of the 1976 Regular Legislative Session.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 949

S.J.R. 130—Owen

SENATE JOINT RESOLUTION

TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May 1976 and again between the 1976 Regular Session and the 1977 Regular Session and again between the 1977 Regular Session and the 1978 Regular Session, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hear-

ings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor and four members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means committee shall be Vice Chairman. The Chairman of the Committee, or in his absence the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and of conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session for the year in which such committee is reporting. Upon the submission of the final report in 1978 the committee shall stand dissolved.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

AN ACT

To provide that in all contracts for public improvements awarded by the State or by any department, agency, board, commission, authority or political subdivision thereof, including any municipality, county and any board, commission or agency of such municipality or county, the contractor may, from time to time withdraw the whole or any part of the amounts retained from payments due the contractor under the terms and conditions of such contract by depositing security in an amount at least equal to the amount of retainage withdrawn.

Be It Enacted by the Legislature of Alabama:

Section 1. Under any contract for public improvements awarded by the State or by any department, agency, board, commission, authority or political subdivision thereof, including any municipality, county and any board, commission or agency of such municipality or county, the contractor may, from time to time, withdraw the whole or any part of the amounts retained from payments due the contractor under the terms and conditions of such contract by depositing with the State Treasurer of the State of Alabama or the Treasurer or Comptroller of any municipality or county holding funds belonging to the contractor, the following security, or any combination thereof in an amount at least equal to the amount so withdrawn, said security to be accepted at the time of deposit at market value but not in excess of par value, to-wit:

1. U. S. Treasury Bonds, U. S. Treasury Notes, U. S. Treasury Certificates of Indebtedness, or U. S. Treasury Bills or

2. Bonds or notes of the State of Alabama, or

3. Bonds of any political subdivision of the State of Alabama, or

4. Certificates of deposit issued by Federal Deposit Insurance Corporation insured banks located in the State of Alabama, provided such certificates are negotiable and only in an amount not in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation.

5. Certificates of deposit issued by savings and loan associations located in the State of Alabama, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, or whose accounts are insured by a company approved by the State Board Savings and Loan Associations, provided such certificate is made payable with accrued interest on demand, and further provided that any such certificate from any of the Savings and Loan Associations referred to in this subparagraph shall not be for an amount in excess of the maximum dollar amount of coverage of the Federal Savings and Loan Insurance Corporation.

6. All securities listed above shall be readily negotiable. The agency or department of the State having jurisdiction over any public improvement contract shall notify the State Treasurer of the amount of the deposit required and shall also notify the State Treasurer when to release the deposit.

The engineer representing any municipality or county or the Chairman of any board, commission or agency of any such municipality or county shall notify the municipality or county treasurer or comptroller of the amount of deposit required and shall also notify the said municipal or county treasurer or comptroller when to release the deposit.

At the time of deposit of any security the same shall be endorsed, if necessary, and shall be accompanied by a conditional assignment to the public body designated as owner in the contract document, which assignment will empower the Treasurer of the State of Alabama or the Treasurer or Comptroller of any municipality or county to negotiate the said security at any time to the extent necessary to cause the contract to be fulfilled.

Any interest or income due on any security so deposited shall be paid to the contractor. If the deposit be in the form of coupon bonds, the coupons as they respectively become due shall be delivered to the contractor. In the event the contractor shall default in the performance of the contract or any portion thereof, the securities deposited by the contractor in lieu of retainage and all interest, income and coupons accruing on said securities, after default, may be sold by the State or any agency or department thereof or by any municipality or county or any board, commission or agency of such municipality or county as the case may be and the proceeds of said sale used as if such proceeds represented the retainage provided for under the contract.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed to the extent of such conflict, this act being cumulative and supplementary. If any words, phrase, clause, sentence, paragraph, or other part of this act is held unconstitutional by a court of competent jurisdiction, such holding shall not affect any other provision of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 951

S. 350—Gilmore, Shelby, Foshee, Littleton,
Owen, Bank, Vacca, Pearson

AN ACT

To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947, as amended, is hereby further amended to read as follows:

“Section 11. PAYMENTS TO CONTRACTORS. — (a) Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the awarding authority. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration. (b) In making such partial payments there shall be retained not more than ten per cent on contracts for the construction of buildings, or similar structures, and not more than seven and one-half per cent on the construction of highways and bridges, or similar structures, on the estimated amount of work done and the value of materials stored on the site and after fifty percent completion has been accomplished no further retainage will be withheld. The retainage above set out shall be held until final completion and acceptance of all work covered by the contract. When maintenance periods are included in the contract covering highways and bridges or similar structures such periods shall be considered a component part of the contract. Provided, however, that on completion and acceptance of each separate building, public work, or other division of the contract, on which a price is stated separately in the contract or can be separately ascertained, payment may be made in full, including the retained percentage thereof, less authorized deductions. Nothing in this Section shall, however, be interpreted to require the awarding authority to make full payment on an item of work when such item of work is an integral part of a complete improvement. (c) All material and work covered by partial payments made shall thereon become the sole property of the awarding authority, but this provision shall not be construed as relieving the contractor from the sole responsibility for the care and protection of materials and work upon which payments have been made or the restoration of any damaged work, as a waiver of the right of the awarding authority to require the fulfillment of all the terms of the contract. (d) Upon completion and acceptance of all work required, the

amount due the contractor under the terms of the contract shall be paid upon the presentation of a properly executed and duly certified voucher therefor, after the contractor shall have furnished the awarding authority with a release, if required, of all claims against the awarding authority arising under and by virtue of the contract, other than such claims, if any as may be specifically excepted by the contractor from the operation of the release in stated amounts to be set forth therein and the presentation of proof of advertisement as provided by law. Nothing in this Section shall be interpreted to conflict with the rules and regulations of the Public Roads Administration."

Section 2. This act shall become effective upon its signing by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 952

S. 773—Fine

AN ACT

To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Marion County, Alabama, only. The Register of the Circuit Court in Equity of said County, in addition to all fees, commissions and other monies paid as compensation to such person by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court, shall be entitled to and shall be paid from the general funds of said County such sum on the first day of each month as will make the total of all compensation paid to said Register for the immediately preceding month equal the sum of six hundred dollars (\$600.00).

Section 2. In the event the fees, commissions and monies otherwise (than this act) paid the Register of the Circuit Court in Equity of Marion County, Alabama, by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court shall exceed the sum of six hundred dollars (\$600.00) in any one month, credit shall be applied for the amount exceeding six hundred dollars to the successive monthly compensation, until the excess is used.

Section 3. Act No. 592, Acts of Alabama (Regular Session 1973) is hereby repealed, and all laws or parts of laws which conflict with this act are hereby repealed.

1990

Section 4. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 953

S. 817—Bank

AN ACT

Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Choctaw County shall each be entitled to fifteen dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. The amounts paid to election officers under this act for compensation, per diem or mileage shall be reimbursable according to the General Laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and Act No. 179, H. 548, of the Regular Session of 1963 (Acts 1963, p. 564) is specifically repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 954

S. 820—Bank

AN ACT

Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Choctaw County shall pay each person summoned for duty on any grand or petit jury such an amount as will make the total compensa-

tion of such jurors equal \$20 per day. Such sums shall be paid out of any funds in the county treasury available for such purposes. When the judicial article goes into effect, such sums shall be paid by the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 955

S. 929—Littleton

AN ACT

Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Chilton County may appoint a total of nine deputies, including a chief deputy, an assistant chief deputy, and a special investigator who shall serve at the pleasure of the sheriff and shall perform such duties as the sheriff may direct. Before entering upon their duties, all such deputies shall make bond payable to the sheriff in the sum of \$2,000.00 conditional as required by Code of Alabama 1940, Title 41, Section 35.

Section 2. The salaries of all deputies shall be paid in equal monthly installments from the general fund of Chilton County or may be paid in whole or in part from the county highway and traffic fund at the direction of said county governing body. The chief deputy shall receive, as a regular salary, not less than \$7,800.00 nor more than \$10,800.00 per year. The assistant chief deputy and the special investigator shall each receive, as regular salaries, not less than \$5,400.00 nor more than \$9,600.00 per year; and all regular deputies shall receive not less than \$4,800.00 nor more than \$9,000.00 per year. The salaries for the chief deputy sheriff, assistant chief deputy sheriff, special investigator, and regular deputies within the above-designated schedule shall be determined by the sheriff of Chilton County upon the qualifications, experience, length of service, and abilities of said deputies.

Section 3. The county governing body shall provide the sheriff with such quarters, equipment, supplies, and clerical

help as deemed necessary for the sheriff to efficiently and properly conduct the duties and affairs of his office. The clerical employees in the office of the sheriff of Chilton County shall be paid at the same pay rate as are other similar county-paid clerical employees.

Section 4. The sheriff shall receive, in addition to his present compensation, an expense allowance of \$2400.00 per annum which shall be paid each month from the funds of Chilton County, Alabama. In the event the sheriff is required to use his personal automobile in the performance of his duties as sheriff of Chilton County, Alabama he shall be compensated in the sum of not less than ten cents per mile for each mile traveled in the performance of his duties.

Section 5. Any Federal law which provides for overtime pay or other compensation for law enforcement officers will not be affected by this act, even though deputies may be drawing their maximum regular salaries as designated in Section Two of this Act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 340, H. 981, Regular Session 1973 (Acts 1973, p. 480) is hereby expressly repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 956

S. 982—Torbert, Little

AN ACT

To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) entitled "An Act relating to Chambers County: To change the method of compensation of certain county officers, placing the officers on a salary, and

providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended to read as follows:

"Section 1. The following officers of Chambers County, shall receive the following salaries in lieu of all other compensation:

"(a) Probate Judge —	\$17,000.00
"(b) Circuit Clerk —	\$14,400.00
"(c) Tax Assessor —	\$13,200.00
"(d) Tax Collector —	\$13,200.00

Section 2. This act shall become effective October 1, 1975, or in the event of this bill passing after said date, the provisions of this bill shall be retroactive to October, 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 957

S. 1022—Shelby

AN ACT

Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of registrars of Tuscaloosa County shall be entitled to compensation from the county in the amount of \$20.00 per day for each day's attendance upon the session of the board. Such compensation shall be paid out of the county general fund and shall be in addition to any compensation of registrars payable under state general law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 958

S. 1131—Mitchell

AN ACT

Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Crenshaw County shall be paid an additional expense allowance of one-hundred and fifty dollars (\$150) per month to be paid from any fund in the county treasury. Such expense allowance shall be in addition to all other compensation and allowances heretofore provided by law and shall expire at the end of the current term of the county solicitor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 959

S. 1132—Mitchell

AN ACT

Relating to Crenshaw County; to provide for the county solicitor's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county solicitor of Crenshaw County shall be six hundred dollars (\$600) per month and shall be paid from the same funds as his current compensation is paid. This compensation shall be effective upon the expiration of the current term of the county solicitor and shall be in lieu of all other compensation, salary and expense accounts heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 960

S. 1159—Fine

AN ACT

Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all

1995

counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census.

Section 2. Upon retirement or termination of office, a probate judge who has served at least 15 years in such office in any county to which this act applies, may elect to become a consultant to the county commission and shall receive an additional compensation of \$550.00 per month. This compensation shall be in addition to any and all other compensation, expenses and allowances provided for by law, and shall be paid out of the county general fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 961

S. 1161—Fine

AN ACT

Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census.

Section 2. The court reporter of the circuit court of counties to which this Act applies shall receive an additional expense allowance in the amount of \$200.00 per month payable out of the general fund of the county treasury. The expense allowance provided for by this Act shall be in addition to any and all other fees, compensation, salary and expense allowances provided for by law.

Section 3. The provisions of this Act shall become effective on the first day of the month succeeding the date upon which this Act becomes law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 962

S. 1176—Fine

AN ACT

Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census.

Section 2. The superintendent of education shall receive an additional expense allowance in the amount of \$400.00 per month and the members of the county board of education shall receive an additional expense allowance in the amount of \$50.00 per month in all counties to which this Act applies. The expense allowance provided for by this Act shall be in addition to any and all other compensation, salary and expense allowances provided for by law and shall be paid out of such funds as are the regular salaries of the officials designated to receive the expense allowances.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall become effective on the first day of the month next succeeding the date that This Act becomes law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 963

S. 1177—Stewart

AN ACT

To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Oxford in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Oxford in Calhoun County; "employee" means any person including

firemen and policemen, not excepted by Section 3 of this act, who is employed in the service of the City of Oxford; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive board, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Oxford Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) all employees of the Water and Sewer Board; (i) heads of departments, including but not limited to the Police Chief, the superintendent of the sanitation department, the recreation director, the City Clerk and the Mayor's secretary. Provided however, the Department heads referred to herein who are presently serving in that capacity may be replaced or removed from office, but they shall not lose their civil service rating, salary or retirement benefits as a result of said removal; (j) the civil service Board of the City of Oxford shall establish a formula for the mayor and the city council to consider in the selection of department heads which will give weight and emphasis to previous service by individuals who were or are city employees.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Oxford, which shall be composed of five members appointed by the members of the legislature who represent the City of Oxford or any portion thereof. Appointees shall serve for terms of one (1) year; Two (2) years, Three

(3) years; four (4) years and five (5) years respectively, or until his successor is appointed. Thereafter, all appointees shall serve for terms of One (1) year; Two (2) years, Three (3) years shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Oxford and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Oxford. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: 1) classify the different types of services to be performed in the service of the city; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide

for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than The board shall establish rules and regulations governing di-employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than

one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by this appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for

some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the laws. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the treasury of the city.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not

exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 964

S. 1184—Fine

AN ACT

Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 23,900 nor more than 24,450, the county governing bodies are authorized to pay from the county general fund to the sheriff of such counties, the sum of three hundred dollars (300.00) per month as an expense allowance. Such allowance shall be in addition to any and all other compensation and allowances presently and hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 965

S. 1201—McDonald (S)

AN ACT

To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 966

S. 1202—McDonald (S)

AN ACT

To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 967

S. 1203—McDonald (S)

AN ACT

Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving at register of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, when the register of the circuit court of the county serves ex officio as register of the county court, such register shall be entitled, in addition to his compensation as register of the circuit court, to \$1,200 per annum, payable out of the general funds of the county in the same manner as the salaries of other county officers.

Section 2. This Act is cumulative and shall not be construed to repeal or supercede any laws not inconsistent herewith.

Section 3. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval of the Governor.

Act No. 968

S. 1204—McDonald (S)

AN ACT

To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval of the Governor.

Act No. 969

S. 1205—McDonald (S)

AN ACT

Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the court reporter of the county court shall be paid, in addition to any compensation heretofore provided by law, an amount of not less than \$200.00 per month nor more than \$275.00 per month as annual salary to be set by the judge of said court and paid from the general funds of the county. The services of said reporter, when not actually working under the direction of the judge of said court, shall be available to the circuit clerk in the discharge of his duties in this court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval of the Governor.

Act No. 970

S. 1206—McDonald (S)

AN ACT

To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population for not less than 53,000 nor more than 55,000, according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 971

S. 1207—McDonald (S)

AN ACT

Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the chairman and members of the board of revenue, court of county commissioners, commission on government and finance or other like county governing bodies shall each be entitled to receive in addition to their salaries an expense allowance as follows: for the chairman \$3,000.00 per year; for the members an expense allowance of \$2,400.00 per year. Such expense allowance shall be in addition to all authorized reimbursements for actual expenses for travel on official business outside the county, and in addition to any pick-up trucks or low cost passenger cars otherwise provided by law for the use of such members in carrying out their duties of office. Such proportionate part of the expense allowance provided herein as is commensurate with the expenses incurred or time consumed in the discharge of duties respecting roads and bridges shall be paid out of the gasoline tax fund of the county and the remainder shall be paid out of the general fund of the county, as provided in Code of Alabama 1940, Title 12, Section 28, as amended.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 972

S. 1208—McDonald (S)

AN ACT

To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 973

S. 1209—McDonald (S)

AN ACT

To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge," is hereby expressly repealed.

Section 2. This act shall take effect on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 974

S. 1210—McDonald (S)

AN ACT

To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 277, S. B. 171 Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties," is hereby expressly repealed.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 975

§. 1211—McDonald (S)

AN ACT

Relating to Marshall County; providing an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Marshall County shall be paid an expense allowance of \$5,400 per annum out of the general funds in the county treasury. This expense allowance shall be in addition to any and all other expense allowances, compensation, and salary provided said judge by law.

Section 2. The judge of probate of Marshall County shall also be allowed an additional sum, not exceeding \$2,000 a year, to be used only for the purpose of paying clerks employed in the probate office. This allowance shall be paid in equal monthly installments from the general funds of the county as the amount of salaries of clerks in the probate office may require.

Section 3. This act shall become effective October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 976

S. 1212—McDonald (S)

AN ACT

To repeal Act No. 1640, H. B. 2387, Regular Session 1971, Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 977

S. 1213—McDonald (S)

AN ACT

Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Marshall County is hereby authorized, empowered and directed to pay to the circuit judges of the judicial circuit having jurisdiction in said county, the sum of eighteen hundred dollars per annum, which shall be paid in equal monthly installments out of the general funds of the county. Such sum shall be in addition to any and all other salary, compensation and expense allowances being paid to said judges by said county.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 978

S. 1214—McDonald (S)

AN ACT

To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1637, H. B. 2384, Regular Session 1971, (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 979

S. 1215—McDonald (S)

AN ACT

Relating to Marshall County; providing for the compensation of the register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the register of the circuit court shall receive an annual salary of ten thousand dollars (\$10,000) to be paid in equal monthly installments from the general funds of the county treasury.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 980

S. 1216—McDonald (S)

AN ACT

To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286); entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1337, H. B. 2154, Regular Session 1971, (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 with approval of the Governor.

Act No. 981

S. 1217—McDonald (S)

AN ACT

Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any school bus driver who is regularly employed on a salary basis by the county board of education or a city board of education shall be entitled to receive sick leave with pay, not to exceed seven days in any one calendar year upon proof of incapacitating sickness or injury as evidenced by a doctor's certificate to that effect. If at the end of each calendar year, said school bus driver has not used all of the allowed seven days sick leave, he shall be entitled to one day's pay for each day he has not used.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 982

S. 1218—McDonald (S)

AN ACT

To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 983

S. 1219—McDonald (S)

AN ACT

To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 984

S. 1220—McDonald (S)

AN ACT

An Act, To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

AN ACT

Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint twelve deputies, two jailers, one office deputy, two clerks, and one matron, whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of not less than \$650 nor more than \$700 per month, and such salaries shall be in lieu of any other compensation authorized by law. The twelve deputies shall each be paid a salary of not less than \$500 nor more than \$600 per month, the monthly salary to be determined by the sheriff. The office deputy shall be paid a salary of not less than \$500 nor more than \$600 a month. The matron shall be paid a salary of not less than \$400 a month and the two jailers shall each be paid a salary of not less than \$400 a month. The jailers and the clerks, who shall perform clerical duties in the office of the sheriff, shall be employed only on the approval of the county governing body and their salaries shall be fixed by the county governing body. The compensation of the deputies, office deputy, jailers and matron shall be preferred claims against the general funds of the county, and shall be paid on warrants drawn in the manner prescribed by law.

Section 2. The sheriff of Marshall County shall be entitled to receive the allowance provided for by Code of Alabama 1940, Title 45, Sections 144 and 145, as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each month the sheriff of said county shall furnish to the governing body of the county, and to the State Department of Finance and to the State Department of Corrections, an itemized statement, verified by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 3. Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206) and all other laws or parts of laws, general

local or special, in conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 986

S. 1222—McDonald (S)

AN ACT

An Act, To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 987

S. 1223—McDonald (S)

AN ACT

Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the fee for issuance of a

permit to carry a pistol concealed on or about the person or in a vehicle as provided by the Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5.00), which shall be collected by the sheriff of said county.

Section 2. Any and all monies collected as provided above shall be deposited in any bank within the county into a fund known as the sheriff's fund. Said fund shall be drawn upon by the sheriff of the county or his duly appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the duties of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office. All funds heretofore obtained from pistol permit fees and credited to any special fund or account in the county treasury under authority of any local or general law shall be returned to the sheriff of such county to be deposited and disbursed as provided above.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 988

S. 1224—McDonald (S)

AN ACT

To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allow-

ance, in addition to any and all other salary, compensation or allowances now provided for such officer," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975,

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 989

S. 1225—McDonald (S)

AN ACT

Relenting to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the county board of education shall provide the county superintendent of education an annual expense allowance of \$2,400 for expenses incurred while executing his duties within said county. Such expense allowance shall be in addition to any and all other salary, compensation or allowances now provided for such officer; further, said superintendent shall be reimbursed for actual expenses while traveling out of said county in the execution of his duties. Said allowance shall be paid by the county board of education out of any educational funds available.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 990

S. 1226—McDonald (S)

AN ACT

To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 991

S. 1227—McDonald (S)

AN ACT

To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 992

S. 1228—McDonald (S)

AN ACT

To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1357,, H. B. 2174, Regular Session 1971, (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 993

S. 1229—McDonald (S)

AN ACT

Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is hereby authorized to appropriate and expend county funds for the purpose of providing contributions for use in the purchase of needed equipment by any organized and established non-profit, volunteer rescue squad operating within the county; provided, that not more than \$2,500 shall be so appropriated or expended in any one fiscal year. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 994

S. 1230—McDonald (S)

AN ACT

To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472) entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 995

S. 1231—McDonald (S)

AN ACT

To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting places; to provide for employment of a custodian of voting

machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 996

S. 1232—McDonald (S)

AN ACT

Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Marshall County shall provide voting machines for all elections, and shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting place at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting place designated for said territory. Except as otherwise provided in Section 110 of Title 17 Code of Alabama 1940 as amended, paper ballots shall not be used in elections at any voting place.

Section 2. No elector shall vote at any voting place other than the voting place of which he is a qualified elector, but any elector whose name appears on the qualified voter's list at a voting place may vote on any voting machine maintained at such voting place, upon presentation of the identification card issued to him by an election officer serving at such voting place and upon signing the poll list maintained at the voting machine at which he proposes to vote. The voting machine at any such voting place shall be numbered consecutively be-

ginning with number 1, and each machine shall display a card indicating the number of that machine. The numbers on such cards shall be clearly visible from the registration table.

Section 3. (a) Subject to the provisions of subsection (b) the Judge of Probate of Marshall county shall designate one voting place in each precinct within the county, or in the equivalent electoral division by whatever name subsequently known, within the county. There shall be only one voting place in each incorporated municipality. The order so designating voting places shall state the location of the voting place within the electoral division for which said voting place is designated. A copy of said order shall be posted at the door of each courthouse.

(b) Except as herein expressly provided, in designating voting places and consolidation of voting places, the county governing body of Marshall County shall be subject to all other laws applicable to the governing body of a county regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940 as amended.

Section 4. A custodian of voting machines shall be appointed by a committee composed of the Judge of Probate who shall be the Chairman, the Circuit Judge who is senior in office, the Tax Collector, the Sheriff, and the County Judge. Such custodian of voting machines shall have attended a recognized school that teaches the operation and handling of voting machines, or in lieu thereof must have had at least three years experience in the operation and handling of voting machines. The custodian shall be responsible for performing all duties as set out in Section 115 of Title 17, Code of Alabama 1940 as amended. The custodian of voting machines shall receive a salary not to exceed \$5,000 per annum payable in equal monthly installments and before entering upon his duties shall be bonded in the sum of \$10,000 for the faithful performance of his duties as are other public officials.

Section 5. Any candidate in an election shall have the right to designate one representative to be present at each polling place, and such representative shall have the right to observe the conduct of the election as a watcher at such polling place as provided by law, but shall also have the right to observe and be present at the opening of each voting machine when the totals of such machines are tabulated by the election officials. Such representatives shall be appointed as provided by law.

Section 6. Any candidate in an election shall have the right to make demand in writing to the body which, under the general provisions of law, now have charge of and control over

ballot boxes, for an order to break the seals of voting machines for the purpose of recanvassing the vote should same become necessary, whereupon all other articles in the "Act to regulate and control primary elections for the nomination by political parties of candidates for public office" and in the "Election Code" shall be followed in making such recanvass and the machine shall be resealed as therein provided. Such demand in writing shall be made not later than ten days subsequent to such election.

Section 7. All general, local, or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 997

S. 1233—McDonald (S)

AN ACT

To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled, "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation," is hereby expressly repealed.

Section 2. This Act becomes effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 998

S. 1234—McDonald (S)

AN ACT

To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County is hereby authorized to expend up to two hundred dollars (\$200) per week, not to exceed one thousand dollars (\$1000) per month, without the approval of the county commission, for essential department expenses. Provided, however, the sheriff shall make affidavit stating that such expenditure was essential to his ability to carry out the duties of his office and shall attach a copy of the purchase order or other like evidence of the expenditure to this affidavit.

Section 2. Any expenditure authorized under the provisions of Section 1 of this act shall not be affected by the provisions of the competitive bid law, Act No. 217, Extraordinary Session of the Legislature of 1967 — now appearing in Code of Alabama Recompiled 1958, Title 55, Chapter 22, Sections 506-517.

Section 3. This Act shall become effective October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 999

S. 1235—McDonald (S)

AN ACT

Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the County Court of Marshall County shall be entitled to a salary of Eighteen Thousand Dollars (\$18,000) per annum payable from the general funds of the county in equal installments.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1000

S. 1236—McDonald (S)

AN ACT

To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to present compensation, each of the Court Reporters of the 27th Judicial Circuit shall receive an additional \$3600.00 per year for their regular services, said compensation to be paid by the Marshall County Commission in twelve equal monthly installments in the same form and manner as other compensation or salary is presently paid to said Court Reporters.

Section 2. This Act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1001

H.J.R. 368—Lee

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED CRIMINAL CODE FOR THE STATE OF ALABAMA.

WHEREAS there is great and pressing need for a comprehensive study of the need of devising and adopting a revised criminal code for the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the need for adopting a revised criminal code for the State of Alabama. Such committee shall be composed of eight members from the House and eight members from the Senate to be appointed by the presiding officer of their respective

houses. The chairman of the committee shall be the chairman of the standing committee of the Senate Judiciary Committee and the vice chairman shall be the chairman of the standing committee of the House Judiciary Committee. The committee shall adopt its own rules of procedure for the conduct and transaction of its business.

Upon the request of the chairman, or the vice chairman, the Secretary of the Senate or the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1976 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, however, that the expenditures for any purposes of this committee shall not exceed six thousand dollars.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1002

H. 570—Callahan

AN ACT

To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000 is amended further to read as follows:

"Section 1. In all counties having populations of not less than 300,000 nor more than 500,000 according to the last federal decennial census, the chief deputy sheriff shall be paid a salary of not less than Range 61, Step A, (\$17,436.00) annually. Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such county. The chief clerk in the sheriff's department shall be paid a salary of not less than Range 61, Step A, (\$17,436.00) annually.

Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such counties. The chief investigator in the sheriff's department shall be paid a salary of not less than Range 56, Step A, (\$14,112.00) annually. Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such counties. The assistant chief deputy in the sheriff's department shall be paid a salary of not less than Range 56, Step A, (\$14,112.00) annually. Said salary to be paid at the same time and at the same percentage rate as merit system employees in such counties. The salaries of all the above listed assistants in the sheriff's department shall be payable in equal monthly installments upon warrants being drawn in the same manner prescribed for payment of compensation of county employees."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1003

H. 1285—Dial, Teague

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The East Half ($E\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 20; All of Section 21: The West Half ($W\frac{1}{2}$) of Section 22: The West Half of the Southwest quarter of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 25 north of the southerly right of way of U. S. Highway 78. The South Half of the South Half of the Southeast Quarter ($S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$) and the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) north of the southerly right of way of U. S. Highway 78 and the West Half of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of

SW $\frac{1}{4}$) of Section 26: The West Half (W $\frac{1}{2}$) and the Northeast Quarter NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the Northeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter north of the southerly right of way of U. S. Highway 78 (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the East Half of the East Half of the Southeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the West Half of the West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the Southeast Quarter of the Southeast Quarter south of the northerly right of way of U. S. Highway 78 (W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the Southeast Quarter of the Southeast Quarter south of the southerly right of way of U. S. Highway 78 (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) in Section 27: All of Section 28: The portions of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U. S. Interstate 20 Highway right of way and all portions of the Southeast Quarter of Section 32 that is Southward of the Northerly right of way of U. S. Interstate 20. All of Section 33: The West Half (W $\frac{1}{2}$) and the South Half of the South Half of the Northeast Quarter (S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$) and the Northwest Half of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 34: The North Half of the Northeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the North Half of the Northwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$) that is northward of the Southerly route of U. S. Highway 78 and the East Half of the North Half of the Northwest Quarter of the Northeast Quarter (E $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 35: The West Half of the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section 36: All in Township 16 South, Range 5 East. Also the North Half (N $\frac{1}{2}$), and North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) and Alabama Highway 77 in Section 4: The North Half of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) and the North Half of the South Half of the Northeast Quarter (N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the East Half of the East Half of

the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 5. All in Township 16 South, Range 5 East.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1004

H. 1824—Howard

AN ACT

To amend Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, ferries, highways or bridges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243), entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha,

and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," is hereby amended to read as follows:

"Section 1. That the court of County Commissioners, Board of Revenue, County Commission, or other governing body of Tuscaloosa County, Alabama, shall, for the purpose of constructing and maintaining public roads, highways, streets, ferries, and bridges in Tuscaloosa County, Alabama, levy and collect a privilege tax of one cent per gallon on all gasoline, diesel fuel, naphtha and other liquid motor fuels or any device or substitutions therefor, commonly used in internal combustion engines sold or delivered, or taken for use from storage in said County, for the privilege of selling or delivering same for use in Tuscaloosa County; provided however, that nothing contained herein shall be held to apply to that product known as 'diesel fuel' when the same is used in an internal combustion engine for other than the propulsion of a motor vehicle on public roads, highways, streets, ferries and bridges, nor shall anything contained herein be held to apply to those products known commercially as 'jet fuel' when used in commercial airplanes, 'Kerosene oil', 'fuel oil', or 'crude oil', commonly used for lighting, heating, or industrial purposes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1005

H. 1916—Drake, Sparks

AN ACT

Relating to Cullman County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the paving of roads in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Commissioner" means the commissioner of revenue of the state revenue department.

(b) "Person" means any individual, firm, partnership, corporation, association, or any combination thereof.

(c) "Producer" means any person engaging in the business of severing coal from the soil within Cullman County.

(d) "Purchaser" means any person acquiring title, outright or conditionally, to any interest in severed coal.

(e) "Severing" means cutting, mining, stripping or otherwise taking or removing from the soil within Cullman County.

(f) "Ton" means a short ton of 2,000 pounds.

(g) "Transporter" means any person transporting coal by highway vehicle from the place where it is severed or from any other place to any other place, within or without Cullman County.

Section 2. Severance tax levied. There is hereby levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing coal within Cullman County. The tax shall be paid to the Commissioner by every producer who severs coal within Cullman County at the rate of 20 cents per ton of coal severed.

Section 3. Producer reports and payments. Every producer shall, within twenty (20) days after the end of each calendar month, whether or not he shall have actually severed any coal during that month, file with the commissioner a report which shall set forth, in a form to be prescribed by the commissioner, the amount of coal in tons, if any, severed by such producer during the next preceding calendar month; the point of severance thereof; the amount of tax due; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The

producer shall accompany such report with payment of the full amount of the tax shown to be due. The report shall be signed by the producer himself in the case of an individual producer, or by a member, officer, or manager of the producer in other cases.

Section 4. Purchaser and transporter reports. Purchasers and transporters of coal severed in Cullman County shall file a report with the commissioner, on forms prescribed by the commissioner, within twenty (20) days after the end of each calendar month in which such purchaser or transporter purchased or transported by highway vehicle coal severed in Cullman County. The report shall state the names and addresses of all producers in Cullman County from whom such purchaser or transporter has received coal during such calendar month; the total quantity of coal so acquired; and, in the case of a transporter, to whom and where each ton of coal was delivered; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases.

Section 5. The tax imposed by this act shall constitute a debt due Cullman County and may be collected by civil suit, in addition to all other methods provided by law. The said tax, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom said tax is due. All provisions of the revenue laws of this state which apply to the enforcement of liens for taxes due the state shall apply fully to the collection of the county tax levied herein, and the state department of revenue for the use and benefit of Cullman County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state coal severance tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of the act, including any litigation involving the act; and the department shall pay such special counsel's fee as it deems necessary and proper from the proceeds of the taxes collected by it for Cullman County.

Section 6. The state department of revenue shall charge Cullman County, for collecting the county tax levied herein, such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the county commis-

sion, but such charge shall not in any event exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Cullman County for that month.

Section 7. The net proceeds of the tax levied pursuant to this act shall be used exclusively for the paving, of county roads in Cullman County; and on or before the tenth day of each month, the state revenue department shall pay over to the state highway department the net proceeds of the tax collected hereunder during the preceding month. Such funds shall be maintained by the state highway department in a separate account and used by such department solely for the purpose of paving, of roads in Cullman County.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1006

H. 1912—Manley

AN ACT

Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the "Alcoholic Beverage Control Board."

(b) "Malt" or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing

one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wines," "vinous beverages," "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" shall mean any incorporated city or town of this state, and its policy jurisdiction.

(f) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this chapter.

(h) "Wine Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wine (of alcoholic content fourteen percent or less) within counties in which this Act applies at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol

but not more than twenty-four percent alcohol by volume.

Section 2. Any provisions of Section 24, of Chapter 1, Title 29, Code of Alabama, 1940, to the contrary notwithstanding, in all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, table wines as herein defined may be sold at retail by any licensed wine retailer, as herein defined for off premises consumption only. A wine wholesaler, as herein defined may sell to a wine retailer table wines that have been purchased from a licensed manufacturer as herein defined.

Section 3. Retail Wine License.—In all counties where this Act applies the board shall have authority to issue a retail wine license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off premise consumption in such counties.

Section 4. Application.—In counties where this Act applies every applicant for a retail wine license shall file a written application with the board, in such form as the board may prescribe, which shall be accompanied by a license fee of \$100.00 and a filing fee of \$10.00 together with the amount or amounts of the prescribed license fee or fees, if any levied by the counties in which this Act applies.

Section 5. Issuance.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wine from a licensed wine wholesaler and resell the same at retail for off premise consumption in counties where this Act applies.

Section 6. Wine wholesaler's license.—The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed manufacturers, to purchase table wine from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in counties in which this Act applies. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of \$500.00 and a \$10.00 filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the counties in which this Act applies. In addition the applicant shall file with his original application a bond in the penal sum of not less than \$1,000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to

be collected by the wine wholesaler and remitted to the board.

In counties in which this Act applies licensed beer wholesalers may become licensed wine wholesalers upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the bond herein required.

Section 7. Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in counties in which this Act applies shall register with the board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the board a filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in counties in which this Act applies and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board, or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 8. License Renewal.—The wine retail, wine wholesale and manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of an existing license. All license fees paid other than those levied by the counties in which this Act applies shall be retained by the board as part of its net profit from operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses.—The board shall have full and final authority as to the suspension

and revocation of any license issued hereunder. In addition thereto the board shall have the authority, in the case of a wine retailer to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale;
or
- (b) selling wine to a minor.

Section 10. Unlawful Acts.—In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 AM and 9:00 PM, Monday through Saturday. No table wine shall be sold on any Sunday, primary election day, general election day or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising.—In the counties in which this Act applies, table wines may be advertised in the same manner and through the same media that beer is now permitted to be advertised.

Section 12. Tax on table wine.—In counties in which this Act applies the tax on table wines shall be the same as levied by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama, 1940, and shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the 35% tax as provided by law and shall collect said tax from the wine retailer who, in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the board along with the return. Such taxes paid to the board shall be considered as part of its net profits from operation and shall be distributed by the board. The wine wholesaler or distributor who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect a tax for any other

level of government but nothing herein shall be construed to mean that taxes or licensing fees cannot be levied by the counties in which this Act applies, and by the municipalities in such counties.

The board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

Section 13. Stamps.—In counties in which this Act applies the wine wholesaler must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. It is the intention of this Act to authorize the sale of table wines, as herein defined, by a licensed wine retailer in counties in which this Act applies and to permit the purchase and resale by licensed wine wholesalers in such counties where this Act applies, to provide for the licensing of wine retailers, wine wholesalers and manufacturers; to provide for the collection, reporting and remitting of taxes now imposed by law. The provisions of Chapter 1, Article 29, Code of Alabama, 1940, not in conflict with this Act shall apply. However, where a conflict exists the provisions of this Act shall prevail.

Section 16. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law, however, no retail sale by a wine retailer shall be made until sixty (60) days from the date that this Act becomes law, whichever is later.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1007

S.J.R. 91—Jones

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT INTERIM COMMITTEE
TO STUDY GRANTS RECEIVED BY THE VARIOUS STATE
DEPARTMENTS AND AGENCIES.

WHEREAS the various agencies and departments of state government receive grants totalling millions of dollars each year; and

WHEREAS the legislature needs a committee to study the handling and utilization of such grants; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of three members of the house and three members of the senate to be appointed by the presiding officer of each house. The members of the committee shall select from among their membership a chairman and a vice-chairman. The committee shall study all facets of grants of any kind whatsoever to state agencies and departments with particular attention as to the utilization and budgeting of such grants.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1976 regular session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1008

S. 679—Adams

AN ACT

To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) is hereby amended to read as follows:

"Section 1. The clerk of the circuit court shall be entitled to receive an expense allowance of three hundred dollars (\$300) per month and the register of the circuit shall be entitled to receive an expense allowance of two hundred dollars (\$200) per month. Said allowances shall be in addition to any and all other compensation and expenses provided for by law. Such

expense allowances shall be payable in equal monthly installments out of the general fund of Houston County and shall expire and no longer be paid upon the expiration of the term of the incumbent in each said offices."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1009

S. 680—Adams

AN ACT

To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939), is hereby amended to read as follows: "Section 1. The following officers of Houston County, Alabama, each shall be entitled to an annual salary as follows: "(a) For Clerk Circuit Court, an annual salary of Fifteen Thousand Dollars (\$15,000). "(b) For Register of the Circuit Court, an annual salary of Fourteen Thousand Dollars (\$14,000)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1010

S. 848—Adams

AN ACT

To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

The official Court Reporters of the Twentieth Judicial Circuit, composed of Houston and Henry Counties, shall receive, in addition to all other compensation provided by law,

an additional compensation of \$2400.00 each per annum, which shall be payable in equal monthly installments, each County to pay its pro rata share of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judges of said Circuit in favor of said Court Reporters for the amount due by each County each month. All laws or parts of laws which conflict with this Act are hereby repealed. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1011

S. 947—Wilson

AN ACT

To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,500, nor more than 56,600 inhabitants according to the most recent federal decennial census.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the public health and welfare, and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining in the following area contiguous to Lewis Smith Lake: the area bounded by the meandering line determined by following the contour established by the spillway elevation and a meandering line a distance of 1,000 feet away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00, nor more than \$1,000.00.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1012

S. 1025—St. John

AN ACT

To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the public health and welfare, and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining in the following area contiguous to Lewis Smith Lake: the area bounded by the meandering line determined by following the contour established by the spillway elevation and a meandering line a distance of 1,000 feet away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00 nor more than \$1,000.00.

Section 5. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1013 S. 1068—Ellis, Pearson, Gilmore, McMillan,
Wilson, Vacca and Clemon

AN ACT

To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 68 of Title 52 of the 1940 Code of Alabama be and the same hereby is amended to read as follows:

"Section 68. Compensation.—The members of the county board of education shall receive from the public school funds of the county Seven and 50/100 Dollars (\$7.50) a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the county board shall not be allowed pay for more than twenty-four (24) days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates. Provided, however, that in counties having a population of 600,000 persons or more according to the last or any succeeding federal census, members of the county board of education shall receive from the public school funds of the county Thirty-five Dollars (\$35.00) per day and their actual traveling and hotel expenses incurred in attending meetings of the Board and transacting the business of the board, not to exceed fifty-two (52) days in any one year, said compensation and expenses to be paid in like manner as provided for the compensation of teachers."

Section 2. All laws or parts of laws in conflict herewith hereby are repealed.

Section 3. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1014

S. 1134—Stewart

AN ACT

To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V., p. 3566) are hereby amended to read as follows:

"Section 3. In addition to all other taxes heretofore or hereafter levied on the possession for sale or the sale of alcoholic beverages in Alabama a tax is hereby levied on the possession for sale or the sale of spirituous, vinous and malt or brewed beverages in all counties to which this Act applies in the following amounts:

"On each miniature (1/10 pint) container of spirituous liquor sold at retail other than at a State Alcoholic Beverage Control Board Store, ten cents (.10¢).

"On each half-pint (8 ounces) container of spirituous liquor sold at retail other than a State Alcoholic Beverage Control Board Store, twenty-five cents (.25¢).

"On each container of wine, champagne, or other vinous liquors held for retail sale by the glass or by the bottle, twenty cents (.20¢) on containers up to sixteen ounces, and on containers in excess of sixteen ounces an additional twenty cents (.20¢).

"On each container of malt or brewed beverages sold by any establishment licensed to sell for on-premises consumption, six cents (.06¢).

"Section 6. (a) It shall be the duty of any person subject to the tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of tax to which such person is subject may be ascertained in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the probate judge thirty days' notice in writing of his intent to destroy or dispose of such records. The probate judge or his duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

"(b) Upon demand by the probate judge or his authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the tax imposed by this Act, to furnish, without delay, all such information as may be required for determination of the correct amount of tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, report, sales, receipts, inventories and any other information from which the correct amount of tax to which such person is subject may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

"(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports of memoranda correctly showing the date and information necessary for the determination of the correct amount of the tax due, and the required information as to sales in the several tax areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the probate judge to ascertain from such information and data as it may reasonably obtain the correct amount of tax due from such person and to assess the same against the person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate

offense.

“(d) The tax shall be paid by each retail seller by the purchasing stamps or decals in the appropriate amounts from the Judge of Probate and the stamping of containers is to begin within three hours of receipt of containers at seller’s place of business.

“Section 12. Any person, firm, or corporation who violates any provision of this Act, or the rules and regulations as may be prescribed by the judge of probate, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than five hundred dollars, and may also be imprisoned in the county jail for not more than six months.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1015

S. 1173—Stewart

AN ACT

To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama alcoholic beverage control board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within any county having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No 1016

S. 1255—Baker

AN ACT

Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census.

Section 2. The judge of the county court of all counties to which this act applies shall receive an additional monthly expense allowance in the amount of \$100.00 per month to be paid out of the county general fund. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 3. The provisions of this act shall become effective on the first day of the month following the date this act becomes law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1017

H.J.R. 410—Harrison

CREATING AN INTERIM STUDY COMMITTEE ON THE AVAILABILITY OF SAFE AND SANITARY RESIDENTIAL HOUSING FOR LOW AND MODERATE INCOME FAMILIES

WHEREAS the availability of decent, safe, and sanitary housing to families of low and moderate income is of primary importance in combatting disease, crime, environmental decline, poverty and diminished property values in urban areas; and

WHEREAS shortages of adequate housing can often be traced to the recurrent shortage of funds available to finance such housing; and

WHEREAS the solution to the problem of housing and housing finance shortages can be ascertained only after a complete and comprehensive study of the housing situation in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Study Committee on the Availability of Safe and Sanitary Residential Housing to low and moderate income families, hereinafter called "the committee".

a. The committee shall be composed of six members of the legislature, three members selected by the Speaker of the House of Representatives, and three members selected by the Lieutenant Governor. The Speaker shall nominate a chairman and the Lieutenant Governor a vice chairman to preside over such committee.

b. The committee shall meet at the call of the chairman as soon as practicable following the adoption of this resolution. The committee shall inquire into the availability and adequacy of residential housing for low and moderate income persons and families, the existence of shortages of the same, the causes of such shortages, and possible solutions or remedial measures.

c. The committee shall be empowered to hold hearings or meetings at any place in the state, to employ such clerical, legal, and stenographic assistance as may be necessary and the cost of such to be paid as provided by Code of Alabama 1940, Title 32, Section 13.

d. The compensation of committee employees shall be paid as provided in Code of Alabama 1940, Title 32, Sections 13 and 14. The members of the committee shall be entitled to his regular legislative compensation, per diem, and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that the committee shall not meet more than 25 days.

e. The committee shall prepare a report of its findings and recommendations to the Governor and to each member of the legislature by the fifth day of the 1976 Regular Session. The cost of such report shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn upon

the state comptroller upon requisition signed by the committee's chairman. Upon submission of its report, the committee shall stand discharged.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1018 H. 211—Sonnier, Sandusky, Callahan, Cooper

AN ACT

Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. For Judicial Circuits composed of one County and having not less than six or more than nine Circuit Judges, the District Attorney of such Circuit shall have the power and authority to appoint one Grand Jury Bailiff who shall receive a salary equal in amount to the salary of a circuit court bailiff payable in twelve equal monthly installments out of the General Fund of the County comprising such Circuits.

Section 2. Each such Grand Jury Bailiff appointed under this Act is hereby empowered, when so directed by the District Attorney appointing him to wait upon all Grand Juries while in session, to assist in handling of witnesses to be brought before the Grand Jury and to perform any and all duties in connection with the proper functioning of the Grand Jury as such District Attorney may direct.

Section 3. Each such Grand Jury Bailiff appointed under this Act shall serve at the pleasure of the District Attorney appointing him. Such Grand Jury Bailiff shall be in addition to Bailiffs provided by any other law of Alabama.

Section 4. The provision of any existing Merit System or Civil Service Law shall not be applicable to any Grand Jury Bailiff appointed under this Act, and the provisions of any law, local or general, in conflict with any of the provisions of this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution

on October 10, 1975 without approval by the Governor.

Act No. 1019

H. 782—Callahan

AN ACT

Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act 594, H. 1044, Regular Session 1939 (Local Acts 1939, p. 355), an act regulating the compensation of the Sheriff of Mobile County, as amended, is amended further to read as follows.

“Section 1. At the expiration of the term of the incumbent, the Sheriff of Mobile County shall be entitled to be compensated in an amount equal to 75% of the salary received by Circuit Judges in such counties where the circuit is limited to the size of said county, per annum as salary or compensation. Such sum shall be paid out of the County treasury of Mobile County, Alabama, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1020

H. 916—Lee, Owens

AN ACT

To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The total compensation of each Deputy District Attorney of the Sixth Judicial Circuit shall be computed by the criteria set out in Section 2 hereinbelow. Of the total compensation received by each such Deputy District Attorney, each shall be paid such annual salary by the State of Alabama as may be otherwise provided for by law. The remainder

of said annual compensation of each such Deputy District Attorney shall be paid by the county governing body of Tuscaloosa County, which sum shall be paid from the general fund of said county in equal installments as the salaries of other county officers are paid.

Section 2. (A). The beginning salary for each Deputy District Attorney shall be \$13,500.00 per annum.

Section 2. (B) When each Deputy District Attorney has completed one year of service in such office to the satisfaction of the District Attorney, and upon employment he had less than one year of prior applicable experience as an attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$14,500; but, if, however, he had more than one year of prior applicable experience as an attorney upon his employment, then he shall, on recommendation of the District Attorney receive an annual salary of \$17,000.

Section 2. (C). When each Deputy District Attorney has completed two years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$18,000.

Section 2. (D). When each Deputy District Attorney has completed three years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$19,000.

Section 2. (E). When each Deputy District Attorney has completed at least five years, but not more than seven years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$21,500.

Section 2. (F). When each Deputy District Attorney has completed at least seven years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$24,000.

Section 3. In determining the present salary of each Deputy District Attorney serving in such office at the time that this Act becomes a law, it is intended that such salary be what it would have been if this law had been effective at the time that such Deputy District Attorney began his service as such Deputy District Attorney, and that the service of such Deputy District Attorney has been satisfactory to the District Attorney, and that the District Attorney has after each year of such service recommended that such Deputy District Attorney receive the maximum salary increase possible under this Act.

Section 4. In the event that after this Act becomes a law

any former Deputy District Attorney shall be re-employed in such office, then his prior term of service in such office may be considered in determining his salary, in the discretion of the District Attorney; and, if such former Deputy District Attorney shall have also served as a Public Defender, then the time served as such Public Defender may also be considered in determining his salary, in the discretion of the District Attorney.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1021

H. 1120—Callahan

AN ACT

To provide for supplementing the compensation paid to retired Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Circuit Judge that retires in any judicial circuit now or hereafter composed of any one county and having not less than seven nor more than twelve Circuit Judges shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 40% of the retirement paid said judge by the state of Alabama. The compensation provided for herein is supplementary to the compensation paid such judges by the state and shall be paid out of general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds.

Section 2. Commencing March 1, 1976, Circuit Judges in Circuits composed of any one county and having not less than seven nor more than twelve Circuit Judges shall pay, two (2) percent of the supplemental compensation paid to them by the counties within the circuit into a fund to be held by the county as their contribution toward the cost of the supplemental retirement benefits provided in Section 1 of this Act.

Section 3. The provisions of Act No. 281, S. 217, of the Third Special Session of 1971 and any amendments thereto which conflict with the provisions of this Act are hereby superseded.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective March 1, 1976.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1022

H. 1161—Callahan, Sonnier

AN ACT

To fix the compensation or salary and allowance of the Register of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1: That this act shall apply in all counties having a population of not less than 300,00 nor more than 500,000 according to the last or any subsequent Federal decennial census.

Section 2: That the Register of the Circuit Court of such counties shall receive an annual salary of Eighteen Thousand Two Hundred Dollars (\$18,200.00) per annum, for the performance of his regular duties.

Section 3: That the annual salary fixed by Section 2 shall be paid out of the General Funds of such counties, or such other funds that may be available for such purposes, and shall be paid in twelve (12) equal monthly payments.

Section 4: That the Register of the Circuit Court of such counties shall receive such additional compensation to which he is now, or shall hereafter be entitled, for his services for handling Absentee Ballots on elections.

Section 5: That the Register of the Circuit Court of such counties shall receive as an allowance and reimbursement for the payment of dues and expenses incurred by him for his attendance and participation in the Circuit Court Clerks and Registers Association of Alabama and its mid-winter conference, annual convention, and all other necessary expenses directly connected with the performance of the official duties of his office.

Section 6: That the provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 7: That all laws or parts of laws which conflict with this Act are repealed.

Section 8: This Act shall become effective upon the expiration of the term of the incumbent register of the Circuit Court.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1023

H. 1318—Johnson

AN ACT

Relating to counties having a population not less than 115,000, nor greater than 150,000, according to the latest Federal decennial census; providing that, in addition to the \$12 per diem now being paid by the state, poll workers and election officers shall be paid \$12 per diem from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population not less than 115,000 nor greater than 150,000, according to the latest Federal decennial census, poll workers shall receive \$12 per diem compensation from the county general fund, in addition to the \$12 per diem they now receive from the state.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1024

H. 1437—Rich

AN ACT

To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the County Court of Cherokee County is hereafter provided an additional expense allowance of three hundred dollars per month, to be paid out of the county treasury, to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1025

H. 1506—Wyatt

AN ACT

Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places and to remove restrictions on the gift, sale, service or consumption of alcoholic beverages in public places to or by persons not seated at tables.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census.

Section 2. Definitions. The following words or phrases, whenever they appear in this act, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

(a) "Alcoholic Beverages" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain more than one-half of one percent of alcohol by volume, and shall include any beverage for the retail sale of which a license is required by the provisions of Chapter 1, Title 29, Code of Alabama, 1940, as amended, and all acts amendatory thereto, supplemental thereof or substituted herefor.

(b) "Public Place" shall mean and include any place other than state liquor stores where alcoholic beverages are sold, or offered for sale, to the public.

Section 3. In all counties in which this act applies, alcoholic beverage may be sold, served or given away until 2:00 A.M. on Sunday morning and there shall be no restriction on the gift, sale, service or consumption of alcoholic beverages in public places to or by persons not seated at tables.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1026

H. 1864—Killian, Mitchem

AN ACT

Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county, except diesel fuel used for any purpose whatsoever; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naptha and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in DeKalb County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in DeKalb County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into DeKalb County in tank quantities and stores the same and withdraws or uses same

for any purpose.

Section 2. In addition to all other taxes imposed by law, there is hereby imposed an excise tax of 1 cent per gallon on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes, except diesel fuel used for any purpose whatsoever, therefor in DeKalb County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay excise tax of 1 cent per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in DeKalb County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in interstate commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein provided for shall be in addition to any and all excise or other taxes whatsoever imposed on gasoline, naphtha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined; however, the governing body of said county shall have no authority to levy any tax upon any diesel fuel used for any purpose whatsoever, or gasoline as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and

furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline made in DeKalb County taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in DeKalb County shall make a report on blanks furnished under Section 2 hereof to the governing body of said County, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and post-office address and also the place and post-office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section 6. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section 7. It shall be the duty of the governing body of said County to enforce the provisions of this Act and it shall

have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section 8. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to the County of DeKalb by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in DeKalb County shall report to the governing body of said County on the first day of January, April, July and October of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in DeKalb County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into the road and bridge fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the road and bridge fund provided for in Section 12, shall be made for matching state highway department funds or federal funds or on a non-matching basis by the county for the construction, maintenance and repair of roads and bridges in DeKalb County which are under contract with the state highway department or a private contractor who has complied with the state Competitive bid laws.

Section 14. Provided, however, that nothing contained herein shall be construed to prohibit or restrict the County Commission from making grants to municipalities within the county for road work but if any grant is made to any municipality a pro rata grant based on population must be made to all municipalities within the county at the same time.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this Act are repealed.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

kee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Deputy Solicitor for Cherokee County, Alabama, is hereafter provided an expense allowance of Two Hundred Dollars per month, to be paid out of the county treasury to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1028 H. 1892—Moore (O), Waggoner, Smith (C)

AN ACT

To provide for the compensation of bailiffs for the grand jury and for bailiffs serving in courts in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. Bailiffs for the grand jury and bailiffs serving in any court in Shelby County who are not regularly employed as bailiffs, may receive not more than \$15.00 per day for each day of service, the compensation to be upon the recommendation of the presiding judge, and the approval of the governing body of the county.

Section 2. Act Number 751 of the 1971 Legislature of the State of Alabama and any other act of the Legislature in conflict herewith is hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1029 H. 1901—Crowe, Naramore

AN ACT

To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to

Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,500, nor more than 56,500 inhabitants according to the most recent federal decennial census.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the public health and welfare, and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining in the following area contiguous to Lewis Smith Lake: the area bounded by the meandering line determined by following the contour established by the spillway elevation and a meandering line a distance of 1,000 feet away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates to provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00 nor more than \$1,000.00.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1030

H. 1902—Crowe, Sparks

AN ACT

To amend the title and Section 1 of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), which Act provides further for the compensation of members of the county board of education of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), is hereby amended to read as follows:

“An Act To apply only in counties having populations of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census; providing further for the compensation of members of the county board of education of all such counties.”

Section 2. Section 1 of said Act No. 115, H. 71, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 16,600 nor more than 16,950, according to the last or any subsequent federal decennial census, in addition to any other compensation, salary or allowances now provided by law, the members of the county board of education shall receive from the public school funds of the county one hundred dollars per month for their services.”

Section 3. This Act shall become effective on the first day of the first month next following its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1031

H. 1903—Crowe, Naramore

AN ACT

To authorize the creation of the office of commissioner of licenses of Walker County; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Be It Enacted by the Legislature of Alabama:

Section 1. (a). The county commission or other like governing body of Walker County is hereby authorized to create and establish the office of Commissioner of Licenses for said county, pursuant to the provisions of this Act. The commissioner of licenses shall be an officer of the county appointed

by the county. The commissioner of licenses shall be subject to the general supervision of the county governing body, but such officer shall hold office subject to the provisions of the civil service or merit system of the county. The annual salary of such commissioner shall be one thousand (\$1,000) less than the annual salary of the tax assessor or of the tax collector.

(b). Upon the creation of the office of commissioner of licenses, all duties required by law of probate judges in this state with reference to the issuance of and collection of state, county, and other licenses shall be performed by the commissioner of licenses, and the commissioner of licenses shall be entitled to collect all fees, commissions, charges and allowances fixed by law for probate judges respecting the issuance and collection of licenses and shall be liable to all the pains and penalties with reference to the collection of such licenses imposed on the probate judges in this state. At the time the office of Commissioner of Licenses is established, the probate judge and the license inspector of Walker County shall be relieved from any and all duties now imposed by law for the collection of licenses in the county and all such duties, liabilities and responsibilities shall be vested in the license commissioner.

Section 2. Before entering upon the duties of his office the commissioner of licenses shall take the oath of office prescribed by the Constitution, and enter into bond in such sum as may be fixed by the county commission or like governing body of the county, giving as surety thereon a bonding company authorized to do business in this state. The Bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate of the county.

Section 3. Suitable office space and all stationery, equipment and supplies necessary for the conduct of said office shall be furnished by the county commission or like governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the state department of revenue or the state department of finance or the comptroller.

Section 4. The commissioner of licenses herein provided for shall appoint a deputy commissioner of licenses who shall, in his absence, have the power and authority herein granted to the commissioner of licenses. The commissioner of licenses shall also appoint a chief clerk and a sufficient number of clerks and assistants to properly perform the duties of his office; however, all such appointments shall be made in strict conformity with the provisions of the civil service or merit system law of the county, and the commissioner of licenses

shall be deemed to be the appointing authority within the meaning of any civil service or merit system law. The salary of the chief clerk shall be the same as the salary of the chief clerk of other county officers performing the same or similar duties.

Section 5. It shall be the duty of the commissioner of licenses to collect and issue all licenses for exercising any rights or privileges for which a license is required, hunting licenses, driver's licenses, licenses for motor vehicles, and any and all other licenses which are now or which may hereafter be required by law to be paid to the State of Alabama or the counties thereof.

Section 6. Before any person, firm, or corporation shall engage in or carry on any business or do any act in the county for which a license is required by law, he, they, or it, except as otherwise provided, shall pay to the commissioner of licenses the amount required for such licenses, and shall comply with all the other requirements of this act; and upon the payment of such amount and a fee of fifty cents to the commissioner of licenses for the issuance of such license, and all costs and fees and penalties which shall have accrued, or for which such person, firm, or corporation shall have become liable in any proceedings commenced for the collection of such license or to enforce payment thereof, and upon compliance with all other provisions of this act by the applicant, such commissioner of licenses shall issue the license counter-signed by him, in the form and on the blank to be furnished to him by the state comptroller, which shall set forth and specify the name of the person, firm, or corporation, applying therefor, the business or act which it is proposed to carry on or do thereunder, the name of the street or location where it is reported to carry on the same, if such location shall be in a city or town and have a street number, and if not, then the location and amount paid for such license, and the time for which it is issued; and if the license is for a peddler it shall state whether he proposes to travel on foot or on horseback or on wagon or motor vehicle; and such license shall not be transferable, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein, nor at any other location than that therein specified. Provided, that in case that it should become necessary to remove any business for which a license is required by this section, from one location to another location in the same city or town, and such business be continued as the same kind and character and by the same person or firm as that carried on at the former location, another license shall not be required for such business for the same license year.

Section 7. In all cases where the amount to be paid for license depends upon the amount of capital invested or the value of the goods of stock, or the amount of sales, or receipts, or any other fact or condition hereinbefore recited, it shall be the duty of the person applying for such license to render to the commissioner of licenses a sworn statement of the amount of the capital invested, of the value of the goods or stock, or of the amount of sales or receipts, and to make under oath such further proof or affidavit as may be required by the commissioner of licenses to determine the character of the license, and the amount to be paid for the same.

Section 8. Upon the issuance of any license the commissioner of licenses must before detaching the license from the stub, fill up the blank spaces in the stub to correspond in all respects, with the licenses as issued, and sign his name thereto.

Section 9. The commissioner of licenses shall keep in a book prepared for that purpose an accurate account of all licenses received by him from the comptroller, and of the disposition made of them, and of all money received from licenses issued by him, and make receipt thereof to the comptroller within ten days after the expiration of the fiscal year. at which time he shall return to the comptroller all unused licenses, and shall also return to the comptroller the stubs of all licenses issued by him and the commissioner of licenses shall on demand of the comptroller, at any time, exhibit to him or to any agent appointed by the comptroller for that purpose, such license record and the original of all licenses then remaining in his hands, and all stubs of licenses issued.

Section 10. All fees prescribed under the general law for the performance of duties required under the terms of this act to be performed by the commissioner of licenses shall be paid to or collected by the commissioner of licenses and by said commissioner paid to the treasurer of the county or to the official performing the duties of county treasurer, and all of said fees shall be the property of the county.

Section 11. If any person through a mistake or error on the part of the commissioner of licenses has paid to the commissioner of licenses money that was not due from him for such license, or by such mistake has paid to the commissioner of licenses for such license an amount in excess of that required by law for the business to be carried on by such person under the license, such person shall be entitled to have refunded to him the amount in either event so erroneously collected by the commissioner of licenses; provided, no refund shall be made unless application therefor is made within two years from date of payment.

Section 12. On the application of any such person his

executor, administrator, or assignee, the commissioner of licenses shall proceed to ascertain the amount due such applicant under the provisions of the preceding section, and shall grant such certificate as will enable the comptroller and the county governing body to draw his warrant or their order, respectively, and such warrant or order shall be paid out of any monies in the state treasury, or the county treasury, not otherwise appropriated.

Section 13. To prevent motor vehicles from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the commissioner of licenses as provided under this act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the commissioner of licenses, if said motor vehicle belongs to a resident of such county or is principally used or operated in such county. Every person, firm or corporation residing in or owning a motor vehicle which is principally used in such county who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the commissioner of licenses of such county, for the preceding tax year, and the commissioner of licenses of such county, for the preceding tax year, and the commissioner of licenses of such county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the commissioner of licenses to collect the tax as shown thereon. Motor vehicles within the meaning of this act shall not be included in any assessment made to the tax assessor by any person, firm or corporation, and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return, but shall be assessed as herein provided. The commissioner of licenses upon issuing a license for the operator of motor vehicles as herein provided shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act. Valuation for ad valorem assessment shall be not more than thirty per cent of the fair and reasonable value of same. A motor vehicle brought into the state during any tax year or new motor vehicles for which licenses have never been issued, sold from the stock of a dealer during any tax year shall be subject to taxation the same as if it had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly declining basis. Every motor vehicle shall be presumed to have been

in Alabama during the taxable year and taxes thereon shall be assessed unless the person, firm, or corporation applying for exemption from ad valorem taxation furnish the commissioner of licenses with a certificate showing that such vehicle was registered in another state after the preceding October, such certificate to be signed by the proper official of such state and also an affidavit signed by the person, or in the case of a firm, association, or corporation its authorized agent, claiming the exemption, stating the exact date the car came into Alabama; provided, however, that where application is made for exemption from taxation on a new motor vehicle for which there has never been a tag purchased, a bona fide bill of sale showing the date of purchase, shall be sufficient proof for exemption by the commissioner of licenses provided the date of purchase, the name and address of the dealer and the invoice number is shown on the assessment sheet. The state department of revenue shall furnish the commissioner of licenses with blank certificates for claiming exemptions authorized in this section. The commissioner of licenses is authorized to issue a motor vehicle license for any vehicle for which an exemption from taxation has been claimed as authorized above, and for any vehicle which is not subject to taxation. The commissioner of licenses, in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in the county. The commissioner of licenses shall report and pay over the money collected for said cities and towns at the same time and in the same manner as state and county taxes are reported and paid over by him. The commissioner of licenses shall receive a commission of two and one-half per cent for collecting city and town ad valorem taxes and shall deduct said commissions from the amount collected before paying the same over to the city or town and he shall pay said commissions into the county treasury, and said commissions so collected and paid into the county treasury, shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the state, such county, and any city or town in such county are paid for the preceding year. Nothing herein shall be construed as affecting the assessment of the stock of goods, wares and merchandise of motor vehicle dealers, or the inclusion of motor vehicles or capital invested therein making such assessments; nor shall the provisions hereof be construed as imposing an ad valorem tax upon a motor vehicle for the tax year in which application for such motor vehicle license is made, unless such motor vehicle was subject to such assessment, otherwise than as constituting a part of the stock of goods, wares and merchandise of a dealer.

Section 14. The commissioner of licenses is hereby empowered to make such rules and regulations as are necessary to provide for a mail out system for purchasing automobile tags and is empowered to charge any person desiring such service the cost of postage on mailing such tags plus a handling fee which shall not exceed 50¢.

Section 15. The state comptroller is hereby required to furnish to such license commissioner all books, records, and blanks, now or hereafter required by law to be furnished to the probate judge of the state in connection with the performance of their duties in the issuance or collection of licenses or privilege taxes.

Section 16. All duties required by law of tax assessors and tax collectors with reference to the assessment and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles shall be performed and exercised by the commissioner of licenses, and the tax assessor and tax collector of the county are hereby relieved of all duties and responsibilities in reference thereto.

Section 17. The commissioner of licenses shall receive for the assessing and collecting of state and county ad valorem taxes on motor vehicles the same fees, charges and commissions fixed by law to be paid to tax assessors and tax collectors for the like services and paid into the general fund of the county.

Section 18. After the effective date of this Act, and upon the creation of the office by the county governing body, the commissioner of licenses shall also perform all duties required by the general law of license inspectors. The commissioner of licenses, his deputy commissioner, and such other assistants as are duly authorized thereto by him shall have authority to serve and execute all citations, writs, and other processes that license inspectors are authorized to execute. No license inspector shall be appointed under authority of Section 835 of Title 51, Code of Alabama 1940, as amended, for any county to which this act applies, and all the duties prescribed by said section shall be performed by the commissioner of licenses or his agents after that date. While performing the duties of license inspector required by this act the commissioner of licenses shall be entitled to receive all the fees, citation fees, costs, penalties, commissions and other charges now or hereafter authorized by law to be collected by license inspectors, and he shall also be entitled to receive all the fees, citation fees, costs, penalties, commissions and other charges now or hereafter authorized by law to be collected by license inspectors, and he shall also be entitled to receive the fifteen per cent penalty now required to be paid by delinquents on taking out licenses, and any other penalties that may hereafter be im-

posed upon the delinquent license taxpayers and all such monies collected shall be paid into the general fund of the county.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective September 1, 1975 or at the time of its implementation by act of the county governing body as provided herein.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1032

H. 1938—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census, the county commission may provide an expense allowance for each member of the county commission, provided the total amount shall not exceed \$500.00 per month. This expense allowance shall be for the expenses they incur in carrying out their duties in connection with the roads and bridges of the counties. Provided, however, that this expense allowance may be paid out of either the gasoline funds, road and bridge funds, or the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1033

H. 1950—Reed

AN ACT

Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide that in the discretion of the county commission, the salary of the chief deputy sheriff and the regular deputy sheriffs of any such county may be increased, and additional expense allowance may be made for the sheriff, and two additional jailors for such county may be employed; and to fix the compensation of such jailors, if employed, and the amount of the salary increases and allowance herein authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census.

Section 2. The chief deputy sheriff in any county to which this act applies may, in the discretion of the county commission, receive additional compensation of \$200 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 3. The regular deputy sheriffs in any county to which this act applies may, in the discretion of the county commission receive additional compensation of \$150 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 4. The sheriff in any county to which this act applies may, in the discretion of the county commission receive an expense allowance of \$600 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 5. There may, in the discretion of the county commission, be two additional jailors in any county to which this act applies. The salary for each of said additional jailors shall be not less than \$400 per month and shall be paid out of the county general fund. The additional jailors herein authorized shall be appointed by the sheriff of any such county to which this act applies and shall serve at his pleasure.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1034

H. 1662—Reed

AN ACT

Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the "Alcoholic Beverage Control Board."

(b) "Malt" or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wine," "vinous beverages," vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" shall mean any incorporated city or town of this state, and its policy jurisdiction.

(f) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person"

shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this chapter.

(h) "Wine Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wine (of alcoholic content fourteen percent or less) within counties in which this Act applies at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

Section 2. Any provisions of Section 24 of Chapter 1, Title 29, Code of Alabama, 1940, to the contrary notwithstanding, in all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census, table wines as herein defined may be sold at retail by any licensed wine retailer, as herein defined for off premises consumption only. A wine wholesaler, as herein defined may sell to a wine retailer table wines that have been purchased from a licensed manufacturer as herein defined.

Section 3. Retail Wine License.—In all counties where this Act applies the board shall have authority to issue a retail wine license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off premise consumption in such counties.

Section 4. Application.—In counties where this Act applies every applicant for a retail wine license shall file a written application with the board, in such form as the board may prescribe, which shall be accompanied by a license fee of \$100.00 and a filing fee of \$10.00 together with the amount or amounts of the prescribed license fee or fees, if any levied by the counties in which this Act applies.

Section 5. Issuance.—Upon receipt of the application, the

proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wine from a licensed wine wholesaler and resell the same at retail for off premise consumption in counties where this Act applies.

Section 6. Wine wholesaler's license.—The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed manufacturers, to purchase table wine from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in counties in which this Act applies. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of \$500.00 and a \$10.00 filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the counties in which this Act applies. In addition the applicant shall file with his original application a bond in the penal sum of not less than \$1,000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

In counties in which this Act applies licensed beer wholesalers may become licensed wine wholesalers upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the bond herein required.

Section 7. Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in counties in which this Act applies shall register with the board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the board a filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in counties in which this Act applies and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board, or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 8. License Renewal.—The wine retail, wine wholesale and manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of an existing license. All license fees paid other than those levied by the counties in which this Act applies shall be retained by the board as part of its net profit from operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto the board shall have the authority, in the case of a wine retailer to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

Section 10. Unlawful Acts.—In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 AM and 9:00 PM, Monday through Saturday. No table wine shall be sold on any Sunday, primary election day, general election day or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising.—In the counties in which this Act applies, table wines may be advertised in the same manner and through the same media that beer is now permitted to be advertised.

Section 12. Tax on table wine.—In counties in which this Act applies to tax on table wines shall be the same as levied by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama, 1940, and shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the 35% tax as provided by law and shall collect said tax from the wine retailer who, in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the board along with the return. Such taxes paid to the board shall be considered as part of its net profits from operation and shall be distributed by the board. The wine wholesaler or distributor who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect a tax for any other level of government but nothing herein shall be construed to mean that taxes or licensing fees cannot be levied by the counties in which this Act applies, and by the municipalities in such counties.

The board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

Section 13. Stamps.—In counties in which this Act applies the wine wholesaler must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. It is the intention of this Act to authorize the sale of table wines, as herein defined, by a licensed wine retailer in counties in which this Act applies and to permit the purchase and resale by licensed wine wholesalers in such counties where this Act applies, to provide for the licensing of wine retailers, wine wholesalers and manufacturers; to provide for the collection, reporting and remitting of taxes now imposed by law. The provisions of Chapter 1, Article 29, Code of Ala-

bama, 1940, not in conflict with this Act shall apply. However, where a conflict exists the provisions of this Act shall prevail.

Section 16. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law, however, no retail sale by a wine retailer shall be made until sixty (60) days from the date that this Act becomes law, whichever is later.

This Act became a law under Section 125 of the Constitution on October 10, 1975 without approval by the Governor.

Act No. 1035 H. 500—Robertson, Carothers, Greer, Crowe, Sasser, Owens, Coburn, Hill, Rich, Roberts, Taylor, Weeks, Mitchem, Morris, Brindley, Killian, Starkey, McNees, Cates, Goodwin, McCluskey, Waggoner, Smith (C), Drake, Barron, Hall, Sparks, LeFlore, Gafford, Venable, Hopping, Howard, Turnham, Johnstone, Harris, Johnson, Hines, Warren, Baker, Wyatt, Jackson (F), Edwards, Lee, Clark

AN ACT

To provide salary increases for certain state employees; and to appropriate funds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first pay period beginning on or after October 1, 1975, all state employees subject to the merit system law, including all employees of county health departments who are employed subject to the state merit system law and whose compensation is paid out of a budget provided and agreed upon by the state, county or other contributing agency, under the direction of the state board of health, shall receive a cost of living increase in amount of Seven Hundred Eighty Dollars (\$780.00) per annum for the class of positions in which they are each employees. Beginning with the first pay period beginning on or after October 1, 1976, all such employees shall receive an additional Five Hundred Dollars (\$500.00) increase in pay; absolute for \$520.00 and conditional for \$260.00 upon the condition of State Treasury and with the approval of the Governor and all other state employees not subject to the merit system law, shall be entitled to cost of living increases in pay at the same times and in such amounts as is equal to the percentage of their rates of pay which is the

equivalent of the percentage of the increase given to state employees subject to the state merit system law. All such increases shall be in addition to the salary received by such employees immediately prior to the effective date of such increase. The increases hereinabove set out shall not apply to any officials and merit system employees who receive a salary of Thirty Thousand Dollars (\$30,000.00) or above per annum.

Section 2. The provisions of this act shall not apply to any merit system employees whose service or rates of pay are covered by any labor agreement or contract.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increases herein provided and shall certify the same to the state comptroller, who shall issue his warrants in accordance therewith. The comptroller shall revise the rates of pay for state employees not subject to the state merit system law to reflect the increases herein provided and shall draw his warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided are hereby appropriated for the fiscal year beginning October 1, 1975 as follows: \$520.00 absolute and an additional \$260.00 conditioned on funds being available and approved by the Governor from such funds as the salaries of the several state employees are, respectively, paid, or if there is not sufficient money in such funds, then from the general fund.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

To provide that all retirement income received by any retired military personnel and survivor benefits derived therefrom shall be exempt from all state, county or city income taxes or like taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The first Four Thousand Seven Hundred and Fifty Dollars (\$4,750.00) retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called.

Section 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and shall apply to all income received in 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1037

S. 75—Mitchell

AN ACT

To create the Office of Prosecution Services, to provide for the appointment of an Executive Director and his staff; and to provide for the duties of the office and the salary of such Director and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Office of Prosecution Services is hereby established. It shall be the purpose of the Office of Prosecution Services to assist the prosecuting attorneys throughout the State in their efforts against criminal activity in the State. Such assistance may include:

(a) The obtaining, preparation, supplementing and dissemination of indexes to and digests of the decisions of the Supreme Court and the Court of Appeals of Alabama and other courts, statutes, and other legal authorities relating to criminal matters;

(b) The preparation and distribution of model indictments, search warrants, interrogation advices, and other common and appropriate documents employed in the administration of criminal justice at the trial level;

(c) The preparation and distribution of a basic prosecutor's manual, and other educational materials;

(d) The promotion of and assistance in the training of prosecuting attorneys;

(e) The provision of legal research assistance to prosecuting attorneys;

(f) The provision of such assistance to law enforcement agencies as may be lawful; and,

(g) The provision of such other assistance to prosecuting attorneys which is necessary for the successful implementation of this Act or which hereinafter may be authorized by law.

Section 2. There shall be an Executive Director of the Office of Prosecution Services and whatever staff is necessary to carry out the purpose of this office. Such Director and employees shall not be subject to the provisions of the State Merit System Act or eligible for state retirement benefits.

Section 3. The Executive Committee of the Alabama District Attorneys Association shall appoint the Executive Director, fix the conditions of employment and tenure in office, and shall be responsible for the efficient discharge of his duties, all in accordance with the constitution and by-laws of the Association. The Executive Committee shall fix the salary of the Executive Director within the total sum of funds available from all sources but limited to federal grants, dues, contributions, gifts and the funds described in Section 4 hereafter except that said salary shall not exceed \$25,000.00 per annum. The Executive Director shall, with the advice and consent of the Executive Committee, employ persons within the total sum of moneys available from all sources but limited to, federal grants, dues, contributions, gifts and the funds described in Section 4 hereafter; fix their conditions of employment and tenure in office, and shall be responsible for the efficient discharge of their duties.

Section 4. It is the intention of the Legislature that the Office of Prosecution Services be funded from the several District Attorney or Solicitor Funds of all thirty-eight Judicial Circuits. This Act hereby authorizes the lawful custodians of such funds to contribute moneys for the administration of the Office of Prosecution Services; provided, however, that upon the implementation of the State District Court System such custodians shall be required to remit, on a monthly basis, ten percent of the moneys collected for their respective District Attorney or Solicitor Funds to the Office of Prosecution Services, provided that nothing contained herein shall prohibit such custodians from contributing over and above ten percent of the moneys collected for their respective District Attorney or Solicitor Funds.

(a) The Department of Examiners of Public Accounts shall audit all the expenditures and revenues of this agency annually.

Section 5. Anything in this Act to the contrary, notwithstanding, the Office of Prosecution Services may not exercise any power, supervisory or otherwise, undertake any duty or perform any function presently or hereafter assigned by law to the Governor of this State, the Attorney General, the Chief Justice of the Supreme Court, any District Attorney or any Solicitor of any Court of Record in this State.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1038

S. 152—Jones

AN ACT

To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), as amended, is hereby amended to read as follows:

"Section 3. Composition, terms and duties of board. The State Board of Veterans Affairs shall consist of the Governor, as chairman, and representatives to serve for a term of four years from the date of their respective appointments, who shall be selected from the memberships of the Alabama Department of The American Legion, the United Spanish American War Veterans, the Veterans of Foreign Wars, the Disabled American Veterans, the Veterans of WWI of the USA Incorporated, and AMVETS, the nomination of such representatives to be made by the executive committees of similar governing bodies of the respective organizations on the following ratio of said membership as existing on July 1st of the year in which they shall be appointed, said appointment to be made by the Governor, to-wit: There shall be one representative from each of

said organizations for the first 7500 resident members or fraction thereof, and one additional representative from each such organization for each additional 7500 resident members or fraction thereof, the total memberships of the respective organizations to be determined as of July 1st of the year in which such representatives shall be designated from the state enrollment of such organization, duly verified as correct by the adjutant or similar officer of said organization, provided that the executive committees or similar governing bodies of the above named organizations shall each nominate to the Governor three veterans who are members of such organizations, for each place on the board to which said organizations are entitled; provided further that said nominations shall include in representative proportions veterans of every war which are included in the membership of said organizations. The said board shall have authority to grant representation thereon, and on the same basis of membership as hereinabove, to any organization of veterans of the second World War having a national charter authorized by an act of congress and operating through local organizations in Alabama. The state board subject to the provisions of section four hereof, shall have and exercise all rule-making powers of the department, and from time to time make such regulations not inconsistent therewith or with state law as it shall deem necessary for carrying out the provisions of this chapter, and from time to time may alter, repeal or amend such regulations or any of them. This rule-making power shall include the establishment and promulgation of rules and regulations (including amendments and repeals thereof) which respect to the manner of performance of all functions and duties of the department and the various officers and employees thereof, including the selection and appointment of all service commissioners. All said rules and regulations shall be furnished to the personnel board, and in accordance therewith a list of eligibles shall be established therefrom. Competition for places on the eligible lists shall be limited to persons meeting qualifications and requirements set up in such rules and regulations. Such rules and regulations shall have the force and effect of law and prima-facie evidence thereof may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulations, alterations, repeal or amendment. The state board will hold meetings at times and places to be prescribed by rules of the state board or as may be designated by the chairman. The presence of a majority of the members at any regular or special meeting shall constitute a quorum for the transaction of all business. Members of the state board shall be entitled to a per diem, not exceeding \$25 a day, to be fixed by the board, and the amount of their traveling and other necessary expenses actually paid out while in attendance at

the meetings of the state board or on business of the state department."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1039

S. 164—Mitchell, McMillan

AN ACT

To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established within the Department of Insurance a Receivership Division to be managed and headed by a Chief of said division. The chief of said Receivership Division shall be appointed by the Commissioner of Insurance and shall serve at his pleasure. The compensation of said chief shall be fixed by the Commissioner, except that said compensation shall not exceed that of the highest paid division chief in the Insurance department under the merit system.

Section 2. Upon the Commissioner of Insurance bringing delinquency proceedings against any insurer pursuant to Act 407, Acts of Alabama 1971 or other insurance laws of the State, the proper Circuit Court having jurisdiction thereof shall appoint the Chief of the Receivership Division as Receiver of such impaired or insolvent insurer, or ancillary receiver if a foreign insurer is found to be impaired or insolvent.

3. The Commissioner of Insurance, as Receiver in any existing receivership may petition the proper receivership court to name as receiver thereof the Chief of the Receivership Division as provided for herein, and upon making an accounting of the assets of such receivership by the Commissioner, the court shall so change receivers or ancillary receivers by releasing and discharging the Commissioner from such duty

and responsibility and shall name the Chief of the Receivership Division as Receiver or Ancillary Receiver.

4. All duties, rights, power, authority and responsibility placed upon the Commissioner of Insurance by Sections 634 through Section 655 inclusive, of Act 407, Acts of Alabama 1971, or by future law, as receiver of an insurer shall be vested in and assumed by the receiver appointed pursuant to this Act, however, nothing herein shall divest the Commissioner of the authority to examine insurers for solvency and to institute delinquency proceedings pursuant to law.

5. The Commissioner of Insurance shall furnish offices, equipment, operating expenses and necessary personnel to maintain and operate the Receivership Division. The operating expenses of said Division shall as far as practical be paid from the receiverships as administrative expenses on a prorata basis, such expenses to be verified by the Receiver to the receivership court having jurisdiction and paid on order of said court into the special examination revolving fund provided for in Section 40 of Act 407, Acts of Alabama 1971. To the extent of and limited to the funds paid into said revolving fund from receiverships, the Commissioner of Insurance is hereby authorized to draw upon said revolving fund on proper voucher, to pay for salaries, expenses, rent or equipment, or portion thereof, for the proper operation of the Receivership Division. Expenses and salaries not recoverable from receivership funds may be paid from funds appropriated to the Insurance Department. The Commissioner of Insurance is hereby authorized to assign one or more insurance examiners to the Receivership Division from time to time and to pay their salaries and expenses and to provide necessary equipment from the special examination revolving fund hereinabove mentioned.

6. The Chief of the Receivership Division shall make bond payable to the State of Alabama in the amount of \$75,000.00 conditioned upon faithful performance of his duties, the premiums of which shall be borne by the State. In addition each receivership court may require adequate bond of said Receiver if the court deems it necessary, the premiums of which shall be paid from funds of the receivership.

7. All laws or parts of laws in conflict herewith are hereby repealed.

8. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

AN ACT

To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide the priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the issuance of a proper court order placing a domestic insurer in receivership or placing a foreign insurer in ancillary receivership for rehabilitation or liquidation, pursuant to Chapter 28 of Act 407, Acts of Alabama 1971, approved August 25, 1971, or other insurance laws of Alabama, all beneficiaries of and all persons holding or owning a contract of insurance with such insurer shall be a preferred creditor of said insurer to the extent of the equity, cash value, or other benefit then accrued, arising under the terms of such contract. With the exception of costs of administration of said receiverships, recorded tax liens and judgments obtained prior to initiation of delinquency proceedings, and secured creditors claims, no claim of a creditor shall be preferred over that of a policyholder of the insurer in receivership. Policyholders are hereby removed from the class of general creditors and all laws and court decisions in conflict herewith shall have no further application. This act shall apply to all policyholders of insurers in receivership on the effective date of this act and to all future receiverships.

Section 2. Upon proper filing of claims pursuant to the Alabama Insurance Code and upon order of the appropriate Circuit Court having jurisdiction of such cause after hearing the duly appointed receiver shall make payment of claims upon liquidation of the insurer giving preference to policyholders claims as hereinabove set out in strict conformity to said court order.

Section 3. When upon hearing, the Circuit Court having jurisdiction of a receivership shall determine it to be in the best interest of the policyholders and the public, said court may order and direct the receiver to reinsure the policies of such insurer with a solvent insurer to the extent of the assets available in said receivership. The Circuit Court is hereby empowered to place a lien or moratorium against policy bene-

fits and values as necessary to reinsure all policyholders as fully as possible to the extent of assets available and to order the receiver to transfer such assets as determined adequate, necessary or available to reinsure policies of the insolvent insurer with a solvent insurer, to the exclusion of general creditors should no assets remain thereafter.

Section 4. The Circuit Court having jurisdiction over a receivership for liquidation or rehabilitation pursuant to the insurance laws of this state may distinguish between classes of policyholders or beneficiaries and establish priorities for each such class for payment of claims, sharing in the assets remaining or for reinsurance purposes. In establishing priorities among classes of policyholders and beneficiaries, death claims payable on life insurance contracts, cash surrenders payable, annuity holders, paid up policies, single premium policies and other such classifications may be used by the court in establishing priorities for payment of claims or for reinsurance of policies.

Section 5. A receiver of an insolvent insurer in liquidation or rehabilitation acting upon order of a Circuit Court having jurisdiction over said receivership shall not be liable to civil suit for obeying or carrying out the terms of such court order or in giving a preference to policyholders as herein provided. Any such civil actions filed against a receiver shall be dismissed and barred upon a showing that the receiver was acting pursuant to court order or in conformity with this act.

Section 6. Severability. If any section, clause or portion of this act is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions, sections, or clauses of this act which shall remain valid.

Section 7. Repealer. All laws and parts of laws, general, special or local in conflict with or inconsistent with the provisions of this act are hereby repealed.

Section 8. This act shall become effective upon its passage and approval or upon its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1041

S. 171—Mitchell

AN ACT

To amend Section 54 of Act No. 407, Acts of Alabama 1971, codi-

fied into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) is hereby amended to read as follows:

Section 54. CAPITAL FUNDS REQUIRED.

(1) To qualify for authority to transact any one kind of insurance (as defined in chapter 5), or combination of kinds of insurance as shown below, an insurer applying for its original Certificate of Authority in this state after the effective date of this code or continuing such original Certificate of Authority, shall possess and thereafter maintain unimpaired paid-in capital stock (if a stock insurer) or unimpaired surplus (if a foreign mutual or foreign reciprocal insurer) in amount not less than as applicable under the schedule below, and shall possess when first so authorized such additional funds as surplus as are required under Section 55:

Kind or kinds of insurance	Minimum capital or surplus required
Life	\$ 800,000.00
Disability	500,000.00
Life and Disability	800,000.00
Property	300,000.00
Marine	300,000.00
Casualty	400,000.00
Surety	350,000.00
Title	200,000.00
Multiple lines	
Any two or more: Property, marine casualty, surety; and all kinds of in- surance other than title and life in- surance	500,000.00

(2) An insurer holding a valid Certificate of Authority to transact insurance in this state immediately prior to the effective date of this code may continue to be authorized to transact the same kinds of insurance as permitted by such Certificate of Authority by maintaining thereafter not less than the same amount of paid-in capital stock (if a stock insurer) or not less than the same amount of surplus (if a mutual or reciprocal insurer) as required by the laws of this state for such authority immediately prior to such effective date; but such insurer shall not thereafter be granted authority to transact any other or additional kind of insurance unless it then fully complies with the requirements as to capital and surplus, as applied to all kinds of insurance it then proposes to transact,

as provided by this code with respect to insurers applying for original Certificates of Authority under this code.

(3) Capital and surplus requirements shall be based upon all the kinds of insurance actually transacted or to be transacted by the insurer in any and all areas in which it operates, whether or not only a portion of such kinds are to be transacted in this state.

(4) As to surplus required for qualification to transact one or more kinds of insurance and thereafter to be maintained, domestic mutual insurers shall be governed by chapter 25 of this code, and domestic reciprocal insurers shall be governed by chapter 27.

(5) A life insurer may also grant annuities without additional capital or additional surplus.

(6) A casualty insurer may be authorized to transact also disability insurance without additional capital or additional surplus.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. With the exception of Act No. 643, Acts of Alabama, 1973, codified into Section 55(1), Title 28A, Code of Alabama 1940 (recompiled 1958), all laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1042

S. 335—Ellis

AN ACT

Providing for the licensing of insurance premium finance companies; imposing powers and duties on the Commissioner of Insurance; providing for regulation of such companies in the rates and charges permissible and penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Application. The provisions of this act shall not apply with respect to: (a) any insurance company licensed to do business in this State; (b) any banking or other financial

institution regulated by the State, or savings and loan associations, or credit union authorized to do business in this State, or any national banking institution or federal savings and loan association incorporated under the laws of the United States and located within this State; (c) the inclusion of a charge for insurance in connection with an installment sale of a motor vehicle or boat or mobile home; or (d) the financing of insurance premiums in this State in accordance with the provisions of the act relating to rates of insurance.

Section 2. Definitions. For the purpose of this Act: (a) the term "insurance premium finance company" means a person engaged in the business of entering into premium finance agreements; (b) the term "premium finance agreement" means an agreement by which an insured or prospective insured promises to pay to a premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge as authorized and limited by this Act; (c) the term "licensee" means a premium finance company holding a license issued under this Act; (d) the term "person" includes an individual, partnership, association, business corporation, non-profit corporation, common law trust, joint-stock company or any other group of individuals however organized; and (e) the term "Commissioner" means the Commissioner of Insurance of the State of Alabama.

Section 3. Licenses. (a) No person shall engage in the business of financing insurance premiums in this State without first having obtained a license as a premium finance company from the Commissioner. Any person who shall engage in the business of financing insurance premiums in this State without first having obtained a license as provided hereunder shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both; (b) The annual license fee shall be \$200, provided however, that an insurance agency which finances its own business of less than \$150,000 in premiums annually shall pay a fee of \$50.00. The fee for said license shall be paid into the Insurance Department Examination Revolving Fund and the same is hereby appropriated for that use. (c) The person to whom the license or the renewal thereof may be issued shall file sworn answers subject to the penalties of perjury to such interrogatories as the Commissioner may require. The Commissioner shall have authority at any time to require the applicant fully to disclose the identity of all stockholders, partners, officers and employees and he may in his discretion refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that

any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this section.

Section 4. Action by Commissioner on Application. (a) Upon the filing of an application and the payment of the license fee the Commissioner shall make an investigation of each applicant and shall issue a license if the applicant is qualified in accordance with this section. If the Commissioner does not so find, he shall, within thirty days after he has received such application, at the request of the applicant, give the applicant a full hearing; (b) The Commissioner shall issue or renew a license as may be applied for when he is satisfied that the person to be licensed — (1) is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for; (2) has a good business reputation and has had experience, training, or education, so as to be qualified in the business for which the license is applied for; and (3) if a corporation is a corporation incorporated under the laws of this state or a foreign corporation authorized to transact business in this State.

Section 5. Revocation and Suspension of Licenses. (a) The Commissioner may revoke or suspend the license of any premium finance company when, and if, after complaint and investigation, it appears to the Commissioner that — (1) any license issued to such company was obtained by fraud; (2) there were any misrepresentations in the application for the license; (3) the holder of such license has otherwise shown himself untrustworthy or incompetent to act as a premium finance company; (4) such company has violated any of the provisions of this chapter; or (5) no license shall issue or remain in force if any principal of the licensee has been convicted of a crime involving moral turpitude; (b) Before the Commissioner shall revoke, suspend, or refuse to renew the license of any premium finance company, the aggrieved person shall be entitled to a hearing in accord with administrative procedures in effect in this State or if no such administrative procedures are set out, then in the same manner as provided in Title 28A, Section 43, et seq., Code of Alabama, 1940, as last amended. In lieu of revoking or suspending the license for any of the causes enumerated in this section, after hearing as herein provided, the Commissioner may subject such company to a penalty of not more than two hundred dollars (\$200) for each offense but not more than a maximum of five thousand dollars (\$5,000) in the event multiple violations occurred, when in his judgment he finds that the public interest would not be harmed by the continued operation of such company. The amount of any such penalty shall be paid by such company to the Commissioner; (c) If the Commissioner refuses to issue

to any person a license as a premium finance company, or he revokes, suspends, or refuses to renew the license of any premium finance company or he imposes a penalty on such company, after a hearing as provided under subsection (b), the applicant or licensee may appeal from such refusal to issue a license or from such adjudication in accordance with Title 28A, Sections 47, et seq., Code of Alabama, 1940, as amended.

Section 6. Books and Records. (a) Every licensee shall maintain records of its premium finance transactions and the said records shall be open to examination and investigation by the Commissioner. The Commissioner may at any time require any licensee to bring such records as he may direct to the Commissioner's office for examination; (b) Every licensee shall preserve its records of such premium finance transactions including cards used in a card system, if any, for at least three years after making the final entry in respect to any premium finance agreement. The preservation of records in photographic form shall constitute compliance with this requirement.

Section 7. Power to Make Rules. The commissioner shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this Act but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this Act.

Section 8. Form of Premium Finance Agreement.

(a)(1) It shall be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least eight-point type; (2) contain the name and place of business of the insurance agent negotiating the related insurance contract, the name and residence, or place of business, of the insured as specified by him, the name and place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and (3) set forth the following items where applicable: (A) the total amount of the premium, (B) the amount of the down payment, (C) the principal balance (the difference between items (A) and (B)), (D) the amount of the service charge, (E) the balance payable by the insured (sum of items (C) and (D)), and (F) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof. The items set out need not be stated in the sequence or order in which they appear, and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

Section 9. The service charge is to be computed on the balance of the premium due, after subtracting the down payment made by the insured in accordance with the premium fi-

nance agreement, from the effective date of the insurance coverage, for which the premiums are being advanced, to, and including, the date when the final installment of the premium finance agreement is payable; however, the service charge shall be a maximum of \$9 per \$100 per year plus an additional charge of \$10 per premium finance agreement which need not be refunded, provided that in no event shall the total charge exceed \$20 per \$100 per year. Notwithstanding the provisions of any premium finance agreement, any insured may prepay the obligation in full at any time. In such event he shall receive a credit or refund under the rule of 78ths or the sum of the digits principle as follows: the amount of the refund or credit shall be as great a proportion of the finance charge originally contracted for as the sum of the periodic time balances of the debt scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the debt, both sums to be determined according to the scheduled payment originally contracted for. No refund of less than \$1 need be made. If such prepayment is made by the debtor other than on a scheduled payment date, the nearest scheduled payment date shall be used in such computation. If, in addition to the service charge, an additional charge was imposed, such additional charge need not be refunded, nor taken into consideration in computing the credit refund.

Section 10.

A premium finance agreement may provide for the payment by the insured of the delinquency charge of 50¢ to a maximum of 5 per cent of the delinquent installment which is in default for a period of five days or more. If the default results in the cancellation of any insurance contract listed in the agreement, the agreement may provide for the payment by the insured of a cancellation charge equal to the difference between any delinquency charge imposed in respect to the installment in default and \$5.00.

Section 11. Cancellation of Insurance Contract Upon Default. (a) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the agreement, the insurance contract or contracts shall not be cancelled by the premium finance company unless such cancellation is effectuated in accordance with this section; (b) Not less than ten day written notice shall be mailed to the insured, at his last known address as shown on the records of the premium finance company, of the intent of the premium finance company to cancel the insurance contract unless the default is cured within such ten day period; (c) After the notice in (b) above has expired, the premium service company may thereafter re-

quest in the name of the insured, cancellation of such insurance contract by mailing to the insurer a notice of cancellation, and the insurance contract shall be cancelled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract. The premium service company shall also mail a notice of cancellation to the insured at his last address as set forth in its records, and such mailing shall constitute sufficient proof of delivery; (d) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be cancelled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under the provisions of this section. The insurer shall give the prescribed notice in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the second business day after the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation taking into consideration the number of days notice to complete the cancellation.

Section 12. Return Premiums. Whenever a financed insurance contract is cancelled the insurer shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company for the account of the insured or insureds as soon as reasonably possible but in no event shall the period for payment exceed ninety days after the effective date of cancellation, and any credit balance shall be refunded to the customer within thirty days after receipt of same by the premium finance company.

Section 13. Exemption from Filing Requirement. No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledges, encumbrances, successors, or assigns.

Section 14.

When a premium finance company as defined herein has complied with the licensing provisions of this Act, it shall not be subject to any other licensing or regulatory agency of the State of Alabama other than the Department of Insurance.

Section 15.

All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective immediately upon passage and approval by the governor or otherwise becoming law. In the event the Act becomes effective prior to

October 1, 1975, the license fee provided herein shall be paid on a pro rata basis until October 1, 1975, at which time the full license fee provided herein shall be due.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1043

S. 391—Torbert

AN ACT

To amend Section 4 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, so as to provide that the certificate of incorporation of a county hospital board may contain provisions requiring that one or more of the members of its board of directors be elected from persons residing in certain specified political or other similar subdivisions of the county or from certain specified occupational or other similar groups or from among persons nominated by specified political subdivisions, public officers or occupational or other similar groups and so as to validate any certificates of incorporation of such hospital boards heretofore filed and containing such provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended, shall be and is hereby further amended to read as follows:

“Section 4. Contents of Certificate of Incorporation. The certificate of incorporation shall state: the name of the corporation (which shall be “..... County Hospital Board” if such name is available for use by the corporation and if not available then the incorporators shall designate some other similar name that is available; provided, that if the corporate functions of the corporation are to be exercised in a portion only of the county, the corporate name of the corporation shall be a name that is appropriate for the area in which such functions are to be exercised); the location of its principal office and the post-office address thereof; the number of directors [which number shall be a multiple of three and shall be not less than nine, except that in counties having a population of less than fifty thousand (50,000) inhabitants according to the 1950 or any subsequent federal decennial census the number of directors shall be nine] and the terms for which they shall hold office; (in the event that the corporation is to exercise its corporate functions in a portion only of the county, and not in the county as a whole), a brief description of the area of the county in which such functions are to be exercised; and the period, if any, for the

duration of the corporation (if the duration of the corporation is to be perpetual, that fact shall be stated). The certificate of incorporation may also contain

(a) provisions requiring that one or more of the directors shall be elected or appointed from persons residing in certain specified political or other similar subdivisions of the county or from certain specified occupational, professional or other similar groups or from among persons nominated by the governing bodies of certain specified political subdivisions in the county, by certain specified public officials or by certain occupational, professional or similar groups (provided, that if the certificate of incorporation does contain provisions requiring that one or more directors be elected or appointed from among persons nominated by governing bodies, public officials or groups other than the governing body of the county, it shall also require that there shall be at least three nominees for each place on the board of directors to be so filled; and provided further, that no such certificate of incorporation may contain any provisions permitting a director to be an officer of the county or an incorporated municipality unless such is permitted by Section 6 of this act or any provisions permitting a person who is not a resident of the county to be a director), and

(b) any other provisions not contrary to law which the incorporators may choose to insert for the regulation and conduct of the affairs of the corporation.

The form and contents of the certificate of incorporation must be submitted to the governing body of the county for its approval, which shall be evidenced by resolution duly entered on the minutes of said governing body. The certificate of incorporation of any corporation containing provisions of the type authorized in the preceding clause (a) of this section is hereby validated and confirmed, and such provisions shall be fully effective as if, at the time of the approval and filing of such certificate of incorporation, the aforesaid clause (a) was included in this Section 4."

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

To amend Sections 36 and 38, as amended, of Title 53, **Code of Alabama** 1940, being Sections 9 and 11 of Act No. 542, Regular Session 1959, pp. 1335 et seq. which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36, Title 53, Code of Alabama, 1940, being Section 9, Act No. 542, Regular Session 1959, is hereby amended to read as follows:

“§36 **Definitions.**—When used in this chapter, the context otherwise requires:

(a) ‘Commissioner’ means the securities commissioner of Alabama.

(b) ‘Salesman’ means any individual other than a dealer who represents a dealer or issuer effecting or attempting to effect sales of securities, but ‘salesman’ does not include an individual who represents an issuer in (1) effecting a transaction in a security exempted by clause (a), (b), (c), (i) or (j) of section 37 (2) effecting transactions exempted by section 38 or (3) affecting transactions and existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a dealer or issuer is a salesman if he otherwise comes within this definition.

(c) ‘Dealer’ means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. ‘Dealer’ does not include (1) a salesman, issuer, bank, savings institution, credit union or trust company, (2) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions and other dealers.

(d) ‘Guaranteed’ means guaranteed as to payment of principal, interest, or dividends.

(e) ‘Issuer’ shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts for a compensation or a consideration as a promotor for or on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(f) ‘Nonissuer’ means not directly or indirectly for the benefit of the issuer.

(g) 'Person' shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint-stock company, a trust and any unincorporated organization. As used herein the term 'trust' shall not include a trust created or appointed under or by virtue of a last will and testament, or by instrument of declaration or appointment by any person for the benefit of himself, relatives, friends, servants or employees, or by a court of law or equity, or any public charitable trust.

(h) 'Sale' or 'sell' includes every contract of sale of, contract to sell, disposition of, a security or interest in a security for value. 'Offer' or 'offer to sell' includes every attempt to offer or dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(i) 'Securities Act of 1933', 'Securities Exchange Act of 1934', 'Public Utility Holding Company Act of 1935', and 'Investment Company Act of 1940' means the federal statutes of those names as amended before and after the effective date of this chapter.

(j) 'Security' means any note; stock, treasury stock; bond, debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, annuity contract unless issued by an insurance company, bankers' shares, trustees' shares, investment participating bonds, investment trust debentures, units, shares, bonds, and certificates in, for, respecting or based upon any form of securities or collateral, subscriptions and contracts covering or pertaining to the sale or purchase on the installment plan of any security as herein defined; or subscription or contracts covering or pertaining to the sale or purchase of beneficial interest in title to

property, profits or earnings; or any right to subscribe to any of the foregoing; or any instrument of any kind commonly known as a security.

(k) 'State' means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(l) 'Underwriter' shall mean a person who agrees to take or contracts to dispose of a stipulated amount of securities or a portion thereof, at a fixed price.

(m) 'Broker' shall mean dealer as hereinabove defined.

(n) 'Agent' shall mean salesman as hereinabove defined.

(o) 'Suspend' when used in relation to the registration of either a security or a dealer or salesman, shall mean the temporary cessation or inoperativeness of such registration, whether by reason of operation of law or by reason of an order of the commission.

(p) 'Revoke' shall mean to vacate the registration of either a security, a dealer or a salesman for cause by order of the commission.

(q) 'Cancel' shall mean to terminate the registration of either a security, a dealer or a salesman upon application filed therefor as follows: in the case of a security, upon application therefor filed by the issuer thereof or the person who secured the registration of said security; in the case of a dealer, upon the application therefor filed by such dealer; in the case of a salesman, upon the application therefor filed by either the issuer or dealer employing such salesman.

(r) 'Fraud', 'deceit', and 'defraud' are not limited to common law deceit.

Section 2. Section 38, Title 53, Code of Alabama, 1940, being Section 11 of Act No. 542, Regular Session 1959, is hereby amended to read as follows:

"§38 **Exempt transactions.**—Except as hereinafter in this section expressly provided, section 29 through 35 inclusive of this chapter shall not apply to any of the following transactions:

(a) Any isolated transaction, whether effected through a dealer or not.

(b) Any non-issuer distribution of an outstanding security by a registered dealer if (1) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year pre-

ceding that date or the most recent year of operations, or (2) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security or (3) the securities have been outstanding for at least three years.

(c) Any non-issuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy.

(d) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(e) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby is offered and sold as a unit.

(f) The sale or the offering for sale of any security at any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(g) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(h) Any offer or sale to a bank, savings institution, credit union, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(i) Any transaction pursuant to an offer directed by the offerer to not more than ten persons (other than those designated in paragraph (h) in this state during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (1) the seller reasonably believes that all the buyers are purchasing for investment and (2) no commission or other remuneration is paid or given directly for soliciting any prospective buyer; but the commissioner may rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption or decrease or increase the number of offerees permitted, or waive the conditions in clauses (1) and (2) with or without the substitution of a limitation or

remuneration.

(j) Any offer or sale of a preorganization certificate or subscription if (1) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (2) the number of subscribers does not exceed ten, and (3) no payment is made by any subscriber; however, the commissioner may by rule or order increase the number of subscribers permitted under this exemption in any specific offering.

(k) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (1) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (2) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days.

(l) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(m) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in or stock.

(n) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

The commission may by order deny or revoke the exemption specified in this section with respect to a specific security if he finds the sale of such security would work or tend to work a fraud upon the purchasers thereof. Upon the entry of such an order, the commissioner shall promptly notify all registered dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commis-

sioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactive. No person may be considered to have violated this act chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this act chapter, burden of providing an exemption from a definition is upon the person claiming it.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1045

S. 495—Edwards

AN ACT

To authorize the governing bodies of counties in this state to make temporary loans in anticipation of the receipt of funds from the United States under the "State and Local Fiscal Assistance Act of 1972".

Be It Enacted by the Legislature of Alabama:

Section 1. That the governing bodies of the counties in this state be, and they are hereby authorized, for and on behalf of their respective counties to make temporary loans in anticipation of the receipt of payments from the United States under the "State and Local Fiscal Assistance Act of 1972" and to issue certificates evidencing such loans and to a pledge a sufficient amount of said anticipated receipts to secure the repayment of such loan or loans.

Section 2. That such loans shall not be for a sum greater than the amount of such anticipated receipts less interest at the rate of eight percent per annum from the time of such loan until the time of the anticipated receipt of such funds.

Section 3. That all certificates issued under the authority

of this act and all interest thereon shall be exempt from taxation.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1046

S. 496—Edwards

AN ACT

To amend Section 125 of Title 12, Code of Alabama 1940, as last amended, which relates to the interest rate and maturity of temporary loans made by the county governing bodies in anticipation of taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 125 of Title 12 of the Code of Alabama of 1940, as last amended, is amended so as to read as follows:

“Section 125. Such loans shall not be in any amount greater than one hundred thousand dollars (\$100,000.00) per year and may bear interest not to exceed six percent per annum. All such loans shall mature not later than February first of the year following that in which the loan is made and may be renewed only upon payment of all interest then due, together with not less than ten percent of the principal then outstanding; provided further that once a temporary loan, or loans, in the amount of one hundred thousand dollars (\$100,000.00) has been made under the authority of this chapter, no further temporary loans may be so made until such time as all of such original indebtedness has been fully repaid, and the renewal, refunding or refinancing of such original indebtedness shall not be considered as repayment thereof within the meaning of this section. No proceeds from any loans made under the provisions of this chapter shall be used for any purpose other than that for which the general funds of the county may now be used”

Section 2. All general laws or parts of laws in conflict with the provisions hereof are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1047

S. 517—Mitchell

AN ACT

To authorize the registers and clerks of the circuit courts of this state to destroy all exhibits offered and received in evidence in civil and equity cases on or after one year from the final disposition of the case in which they were offered and received.

Be It Enacted by the Legislature of Alabama:

Section 1. The registers and clerks of the circuit court of this state are authorized to and may destroy all exhibits offered and received in evidence in civil and equity cases on or after the expiration of one year from the final disposition of such case; provided, however that such destruction shall not be accomplished until it has been approved by the presiding judge of the circuit. Further, prior to destruction of the exhibits, the clerk shall notify the party who offered the same into evidence that said exhibits may be obtained within thirty days from the clerk if the offering party so desires. The authority herein given shall authorize the destruction of such items as certified copies of hospital records subpoenaed by the parties, depositions of parties and witnesses, subpoenas for witnesses, paper exhibits, bulky exhibit items or such other similar items of evidence provided, however, such itemization shall not be deemed to be all inclusive and, provided, further that after the expiration of the appeal period in such cases and before such destruction, any party at interest, or counsel for such party, may permanently remove and withdraw such exhibits, offered by such party, upon the execution of an appropriate receipt therefor, which receipt shall be signed and recorded on the consolidated trial docket sheet of such case.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1048

S. 658—Gilmore

AN ACT

Relating to taxation; to amend Title 51, Section 2(1)(m) of Alabama Code of 1940, as heretofore amended, so as to exempt from ad valorem taxation articles manufactured in Alabama in the hands of the producer or manufacturer thereof for twelve (12) months after production or manufacture.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2(1)(m) of Title 51, Code of Alabama of 1940, is hereby amended to read as follows:

“§2. **PERSONS AND PROPERTY.**—The following property and persons shall be exempt from ad valorem taxation and none other:

(a) All bonds of the United States and this state, and all county and municipal bonds issued by counties and municipalities in this state, all property, real and personal, of the United States and this state, and of county and municipal corporations in this state; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, property, real or personal, owned by any educational, religious or charitable institutions, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for education, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this state, which mortgages have been filed for record and the privilege tax paid thereon; all security agreements and security interests under the Uniform Commercial Code, together with the notes, debts, and credits secured thereby; all money on deposit in any bank or banking institution and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempt from taxation.

(b) — (1) All property, real or personal used exclusively for hospital purposes, to the amount of seventy-five thousand dollars, where such hospitals maintain wards for charity patients, or give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen percent of the business of such hospitals, provided further that such hospital need not be assessed for taxation if the owner or manager shall file with the county tax assessor wherein such hospital is located within the time allowed for assessing such property for taxation a certificate that such hospital has done fifteen percent charity work in the preceding tax year; and further provided that such hospital through its owner or manager shall have until the expiration of the preceding tax year to class its

work and ascertain whether or not such hospital has done fifteen percent of its treatment of patients as charity work.

(b) — (2) The shares of the capital stock of any corporation owning and operating a hospital, to the extent of seventy-five thousand dollars in value, are exempt from taxation provided that said corporation maintains wards for charity patients and gives treatment to such patients, which treatment constitutes at least fifteen percent of the business of the hospital of said corporation, provided that the total exemption granted to any such corporation shall not exceed seventy-five thousand dollars taking into consideration its real and personal property and the value of its shares of capital stock.

(c) All property owned by the American Legion or by Veterans of Foreign Wars, or any post thereof; provided that such property is used and occupied exclusively by said organization.

(d) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution.

(e) The libraries of ministers of the gospel, and all libraries other than those of a professional character and all religious books kept for sale by ministers of the gospel and colporteurs.

(f) The property of deaf mutes and insane persons to the extent of three thousand dollars, and the property of blind persons to the extent of twelve thousand dollars.

(g) All family portraits.

(h) All cotton, livestock or agricultural products which have been raised or grown in the state of Alabama, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of a cooperative association for all time, and for a period of one year in the hands of the purchaser or the manufacturer.

(i) All cotton, wherever grown, stored in licensed warehouses in the state of Alabama for a period not exceeding twelve months.

(j) Provisions and supplies on hand for the current year for the use of the family and the making of crops; all wearing apparel; farming tools to the value of five hundred dollars; tools and implements of mechanics to the value of two hundred dollars; all livestock, including mules, horses, cows, calves, hogs, sheep and goats, and the following property to be selected by the head of each family, namely, household and kitchen furniture not to exceed five hundred dollars and one sewing

machine.

(k) No license or taxation of any character, except franchise taxes provided by section 229, of the Constitution of the State of Alabama, shall be collected or required to be paid to the state, or any county or municipality therein, by any state or county fair, agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges and which are used exclusively for the purpose of promoting inter-collegiate or inter-school athletics. Provided that the revenue received from athletic stadiums, when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. Nothing contained in this subsection shall be construed to prohibit any municipality, county or state, from imposing any license tax upon or for the privilege of engaging in the business of supplying services for hire or reward, or selling commodities other than livestock, farm products or farm implements, or conducting or operating devices or games of skill or amusements or other games or devices, or conducting or operating shows, displays or exhibits other than shows, displays, or exhibits of agricultural implements, farm products, livestock and athletic prowess.

(1) All material, including without limitation coke, to be compounded or further manufactured, when stocked at any plant or furnace, for manufacturing purposes in Alabama.

(m) All articles manufactured in Alabama, including pig iron, in the hands of the producer or manufacturer thereof, shall be exempt from taxation for twelve months after its production or manufacture.

(n) All property both real and personal owned by any unit or organization of the Alabama national guard officially recognized as such by the federal government and organized and maintained by the state, and all property owned by shares and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama national guard, the annual rent or hire of which is not the excess of the annual state, county and municipal taxes on the said property shall be exempt from taxation by the state, and the county and municipality in which the same may be situated.

(o) All poultry.

(p) The property of all incompetent veterans to the value of three thousand dollars shall be exempt from ad valorem taxation.

(q) The following items of personal property when owned by individuals for personal use in the home or usually kept at

the home of the owner and not carried as stocks of merchandise: namely, libraries, phonographs, pianos, and other musical instruments; paintings; precious stones, jewelry, plate silverware, ornaments, and articles of taste; watches and clocks; wagons, buggies, bicycles, guns, pistols, canes, golf sticks, golf bags, and sporting goods; money hoarded; radios; mechanical and electrical refrigerators.

(r) All property owned by the Benevolent and Protective Order of Elks, Fraternal Order of Police, Fraternal Order of Eagles, or lodge thereof, provided such property is used and occupied exclusively by such organization.

(s) All devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution.

(t) Tobacco leaf stored in hogsheads.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1049

S. 755—Gilmore

AN ACT

To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79 S. 76 approved September 15, 1961, an act regulating the practice of engineering and land surveying (Acts of Alabama, Regular and Special Sessions 1961, v. 2, P. 1975, 1982) are hereby amended to read as follows:

"Section 8. POWERS OF THE BOARD.

"(a) The Board shall have the power to adopt and amend such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall have the power to adopt and amend from time to time a code of ethics for Professional Engineers, Engineers-in-Training and Land Surveyors. The Board shall adopt and have an official seal.

"(b) In carrying into effect its duties in any case involving the revocation of registration or practicing or offering to practice without registration, or false statement in connection with an application for registration, the Board may, under the hand of its chairman and the seal of the Board, subpoena witnesses and compel their attendance and may also require the production of books, papers, documents and other pertinent data. Any member of the Board may administer oaths or affirmation to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth the facts, and thereupon such Circuit Court of Montgomery County shall, in a proper case, issue its subpoena to such person, requiring his attendance before such Circuit Court of Montgomery County and there to testify or to produce such books, papers and documents, or data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of Montgomery County may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court of Montgomery County.

"(c) The Board is charged with the duty of seeing that the provisions of this Act are enforced. The Board shall investigate any complaint relating to the violation of any provision of this Act and, should be a violation be indicated, the Board shall present the facts of their findings to the District Attorney of the county where the violation complained of occurred and shall aid in the prosecution of the violator.

"(d) The Board, for good cause, is authorized to apply for relief by injunction, without bond, to restrain any person, partnership or corporation from the commission of any act which is prohibited by this Act. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result from the continued violation thereof. Application for said injunction may be made to the Circuit Court of Montgomery County, Alabama or the circuit court

of the county in which it is alleged that the violation is about to occur, at the request of the Board. Said injunction may not be granted ex parte and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of Alabama.

“(e) No action or other legal proceedings for damages shall be instituted against the Board or against any Board Member or employee of the Board for any act done in good faith and in the intended performance of any power granted under this act or for any neglect or default in the performance or exercise in good faith of any such duty or power.

“Section 9. RECEIPTS AND DISBURSEMENTS. The Secretary of the Board shall receive and account for all monies derived under the provisions of this Act, and shall pay the same monthly to the State Treasurer, who shall keep such monies in a separate fund to be known as the ‘Professional Engineers Fund.’ Such fund shall be kept separate and apart from all other monies in the treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the Executive Secretary of the Board; provided, however, that no funds shall be withdrawn or expanded except as budgeted and allotted according to the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, and provided further that any funds or monies in the hands of the State Treasurer, known as the ‘Professional Engineers Fund,’ at the end of the State fiscal year in excess of the sum of seventy thousand dollars (\$70,000) shall be transferred into the General Fund of the State. The monies, properties, records and other things of value owned by or allocated to the ‘Professional Engineers Fund,’ the Board, or the Secretary of the Board in his capacity as such, serving at the time of enactment of this Act under Code of Alabama 1940, Title 46, Chapter 7, as amended, shall become the property of and be allocated respectively to the ‘Professional Engineers Fund,’ the Board, or the Secretary of the Board under this Act. The Secretary of the Board shall give a surety bond to the State in such sum as the Board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the Board and shall be paid out of the ‘Professional Engineers Fund.’ The Secretary of the Board shall receive such salary as the Board shall determine, in addition to compensation and expenses provided for in Section 5 of this Act. The Board may employ an Executive Secretary and fix his compensation and duties. The Board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the ‘Professional Engineers Fund’ for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this

Act, including the expenses of the Board's delegates to regional and national meetings of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this Act exceed the amount provided therefor by the Legislature in the General Appropriation or other Appropriation Bills.

"Section 11. ROSTER. A roster showing the names and addresses of all registered professional engineers, all who possess current certifications as engineers-in-training and all registered land surveyors shall be prepared by the Secretary of the Board during the month of March of each even year (biennially). Copies of this roster shall be mailed to each person so registered or certified, placed on file with the Secretary of State, and may be distributed or sold to the public upon request.

"Section 13. APPLICATIONS AND REGISTRATION FEES.

"(a) Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. Three or more of the references contained in an application for registration as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for land surveyor shall be professional engineers also registered as land surveyors or land surveyors having personal knowledge of the applicant's land surveying experience. The forms shall contain a code of ethics prescribed by the Board for the classification under this Act.

"(b) The registration fee for professional engineers or land surveyors shall be fifty dollars (\$50), forty dollars (\$40), of which shall accompany the application, the remaining ten dollars (\$10) to be paid upon issuance of certificate. Should the applicant fail or refuse to remit the said remaining ten dollars (\$10) within thirty days after being notified, in the usual manner, that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate so issued and said applicant may be required again to submit an original application and pay an original fee therefor. The registration of persons qualifying for a combined certificate as 'Professional Engineer and Land Surveyor' shall conform to the requirements set forth both for 'professional engineer' and for 'land surveyor.'

"(c) The fee for engineer-in-training shall be twenty-five dollars (\$25), which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a professional engineer is completed by an engineer-in-training, an addition fee of twenty-five dollars (\$25) shall be paid before issuance of certificate as a professional engineer.

(d) Should the Board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

"Section 14. EXAMINATIONS.

"(a) When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. When examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula), the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward registration as a professional engineer for a period of ten years for this portion of the examination.

"(b) The scope of the examination and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing one examination may apply for reexamination. Re-examination will be granted upon payment of a fee to be determined by the Board.

"Section 16. EXPIRATIONS AND RENEWALS.

"(a) Certificates of registration for professional engineers and land surveyors shall expire on the last day of the month of December following issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the Board and shall not exceed twenty-five dollars (\$25). It shall be the duty of the Secretary of the Board to notify every person registered under this Act of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed to the registrant's last address recorded by the Secretary of the Board and shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time

during the month of December by payment of a fee. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid shall be increased ten percent for each month or a fraction of a month that payment of renewal is delayed; provided, however, that the maximum time for renewal shall not exceed six months. The Board, in its discretion, may make an exception to the foregoing renewal provisions in the case of a person who is in the armed service of the United States.

“(b) Certificates of enrollment for engineers-in-training shall expire on the last day of the month of December following their issuance or renewal. The notification to holders of certificate of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than two dollars (\$2) nor more than five dollars (\$5). The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training but his name shall, after ninety (90) days, be removed from the Board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

“Section 23. VIOLATIONS AND PENALTIES.

“(a) Any person who shall practice, or offer to practice, engineering or land surveying in this State without being registered or exempted in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal or facsimile thereof of another, or permitting his own certificate of registration, seal, or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining, or attempting to obtain, a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended, or revoked certificate of registration, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred dollars (\$100), not more than five hundred dollars (\$500), or be imprisoned for a period not exceeding three months, or both for each and every offense.

“(b) It shall be the duty of all duly constituted officers of law of this State, or any political subdivision thereof, to enforce the provisions of this Act, and to prosecute any persons violating same. The Attorney General of the State or his assistant shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the pro-

visions of this Act. The Board will, however, have the right to obtain private legal counsel as the need arises."

Section 2. There is hereby appropriated to the Alabama State Board of Registration for Professional Engineers and Land Surveyors the sum of twenty-five thousand dollars (\$25,000.00) for other expenses and the sum of twenty-five thousand dollars (\$25,000.00) for investigations and court costs; said appropriation to be paid from the funds on deposit in the State Treasury in the account of the Professional Engineers Fund, Treasurer's Account Number 868. The appropriation made by this Act shall be for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977 and shall be in addition to all other appropriations heretofore or hereafter made to the State Board of Registration for Professional Engineers and Land Surveyors.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1050

S. 1033—Wilson

AN ACT

Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, the secretaries in the offices of the Judge of the Inferior Court, Intermediate Court, and District Attorney's Office shall receive a monthly salary of not less than 600.00 dollars, nor more than 800.00 dollars, to be paid out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1051

S. 1041—Owen

AN ACT

To Amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 1938, Acts of Alabama 1971, approved September 20, 1971, is hereby amended to read as follows:

“Section 9. Fees and Charges.

A. A license to sell to licensed dealers or to the public of this State shall be for \$100.00 original fee and the renewal fee shall be \$100.00 per annum renewable by the first day of each calendar year.

B. A fee of ten (\$10.00) dollars shall be paid for each seal issued to any manufacturer as provided in the Act.

C. All fees shall be paid to the State Fire Marshal to provide necessary revenue for the enforcement of this Chapter. All fees collected under the provisions of this Chapter, or otherwise inuring to the credit of the Fire Marshal, shall be deposited in the State Treasury in a fund to be designated as the “State Fire Marshal’s Fund”, which fund is hereby established. All balances in said fund in excess of \$50,000.00 at the end of each fiscal year shall be transferred to the State General Fund. The expenses incurred by the State Fire Marshal in carrying out the provisions of this Act, together with the compensation of employees required to enforce this Act, shall be paid from this fund.

Section 2. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law, provided, however, that all increases in licenses and seal fees shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1052

S. 1114—Jones

AN ACT

Relating to the City of Montgomery in Montgomery County: to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

Be It Enacted by the Legislature of Alabama:

Section 1. That public street in the City of Montgomery, Montgomery County known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

Section 2. This Act repeals all other laws and statutes in conflict with it.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1053

S.J.R. 156—Pearson

SENATE JOINT RESOLUTION

AMENDING SJR 39, THIRD SPECIAL SESSION 1975

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last paragraph of SJR 39, created in the third special session 1975, be amended to read as follows: The Committee shall report to the Legislature on its findings by the 15th legislative day of the regular session 1976 and upon submission of its report shall be dissolved.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1054

S. 1157—McMillan

AN ACT

To provide that no board of adjustment authorized by Section 781, Title 37 Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. No board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000, according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use, except as specifically provided for by the zoning ordinance of such municipality.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1055

S. 1252—Ellis, Vacca, Clemon

AN ACT

To adopt minimum standard codes for all counties now or hereafter having more than 600,000 population according to the latest federal census; to provide for the revision of these codes; to allow local modification of these codes; to authorize county governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. For the further protection of the health and safety of the people of Alabama, and to promote uniformity in building regulations, the State hereby adopts the following minimum codes, which shall apply in each such county to the design, construction, repair, use and alteration of all buildings:

Southern Standard Building Code (1973 Edition) with 1975 revision

Standard Plumbing Code (1975 Edition)

Southern Standard Gas Code (1973 Edition) with 1974 revision

Southern Standard Mechanical Code (1973 Edition) with 1975 revision

National Electrical Code (1975 Edition).

Section 2. The following exceptions may be excluded by county governing bodies from the provisions of these minimum codes:

1. One and two family dwellings and out buildings in connection therewith.
2. Farm buildings.

Nothing in these minimum codes shall apply to any building or project authorized or licensed by the Nuclear Regulatory Commission, or the Federal Power Commission. County governing bodies may modify these minimum codes for application within their area of jurisdiction by adopting provisions more stringent than the codes set forth above, and also may amend and revise these codes by adopting more recent amendments or additions of the named codes.

Section 3. County governing bodies are authorized to adopt rules and regulations pursuant to the administration and enforcement of the named codes and to establish agencies or departments which shall have the authority for and responsibility of enforcing provisions of this act. The area of jurisdiction of the county shall be all of the area of the county excluding that within the city limits of a municipality which has established its own code enforcement agency.

Section 4. County governing bodies having established an enforcement program may prescribe and exact fees and charges to be paid.

All permit and inspection fees collected pursuant to this act shall be paid into the treasury of the county governing bodies prescribing them.

Section 5. Any person violating any of the provisions of this act or failing to comply with any of the provisions of this act after ten days written notice of an enforcement agency shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or thirty days in jail, or both, and

a penalty of fifty dollars per day during the continuance of the violation.

Section 6. This act shall not be construed to impair or limit in any way the power of county governing bodies to enjoin or abate public nuisances within their jurisdiction.

Section 7. Nothing in this act shall be construed as abrogating or otherwise affecting the power of any state department or agency to promulgate regulations, make inspections, or approve plans in accordance with any other applicable provisions of law not in conflict with the provisions herein.

Section 8. This act shall be liberally construed as being additional authority to county governing bodies to adopt ordinances relating to the establishment and enforcement of minimum standards for buildings, dwellings, and the structures of all types and descriptions used for human habitation and occupancy. The authority conferred on county governing bodies by this act is cumulative to and in addition to other existing legal authority.

Section 9. Mobile Homes, as defined in Act No. 1938, H. 262, Regular Session 1971 is specifically excluded from the provisions of this act.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1056

H. 90—Quarles

AN ACT

Relating to counties having populations of not less than 27,900 nor more than 33,500; to provide an additional per diem and mileage expense allowance for jurors in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to those counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census.

Section 2. In each county where this Act is applicable, regular jurors, both grand and petit, shall be entitled to five dollars for each day service and five cents for each mile traveled in going to and returning from court. This per diem and mileage allowance shall be in addition to any per diem and mileage allowance heretofore provided for by law for jurors. The clerk of the court shall give each juror a certificate as provided in the Code of Alabama, Title 11, Section 98, which shall be payable as provided in said section.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1057

H. 222—McCluskey, Dial, Edwards

AN ACT

To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to any teacher employed by said board up to five (5) days annually non-cumulative, during the time schools are in session. Two (2) days of personal leave shall be granted upon request of the teacher with full pay and three (3) days may, at the discretion of the school's board, be granted with part pay or with full pay. The teacher shall notify, whenever possible, the board five (5) days in advance of the time such leave is to be taken; however, when such notice is not practical, leave may be taken in the same manner and under the procedures governing sick leave.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1058

H. 356—Sonnier, Malone, Kennedy, Sandusky,
LeFlore, Cooper

AN ACT

To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a chief of the youth aid division, to provide for the appointment of the chief of the youth aid division, to provide for the salary of the chief of the youth aid division, and the method of payment of such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may appoint a qualified person to serve as his chief of the youth aid division, whose compensation shall be fixed at an amount equal to that of the chief investigator and the assistant chief deputy in such county. Said salary to be adjusted at the same time and at the same percentage rate as the chief investigator and assistant chief deputy in such county. The salary of the chief of the youth aid division shall be paid from the general funds of the county in the manner the compensation of the chief investigator and the assistant chief deputy is paid. The chief of the youth aid division shall serve at the pleasure of the Sheriff. He shall have all the power and authority of the chief investigator and assistant chief deputy and shall perform such duties as the sheriff may prescribe. His appointment or removal shall not be governed by the provisions of any civil service or merit system law or regulation in effect in any such county coming under the provisions of this act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1059

H. 1952—Ford, Taylor, Rich

AN ACT

Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of

any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census.

Section 2. City boards of education in all such cities are hereby authorized to borrow against revenues derived from the sale of malt or brewed beverages, for capital outlay purposes, within the city system.

Section 3. All loans secured under this act shall be secured by the board of education. All loans shall be limited to an amount, whereby all interest and principal shall be paid back within fifteen years from the date the loan was made.

Section 4. In the event any such city board of education, at any future time, should no longer have available to it revenues derived from the sale of malt or brewed beverages, any outstanding indebtedness as the result of unpaid loans secured under this act shall be paid from any future capital outlay money that would have normally gone to that district on a per-pupil basis, until such debt is paid.

Section 5. Capital outlay as stated in this act shall mean it is an expenditure for land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, remodeling of buildings or initial or additional equipment.

Section 6. All laws or parts of laws in conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon it being signed by the Governor or it otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1060 H. 451—Barron, Harris, Wyatt, Smith (J),
Folmar

AN ACT

To amend Section 584 of Title 7, Code of Alabama 1940, relating to the registration of judgments and decrees, so as to require the ad-

dress of each defendant or respondent as shown in the court proceedings to appear on the certificate of registration.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 584 of Title 7, Code of Alabama 1940, relating to registration of judgments and decrees is hereby amended to read as follows:

"Section 584. Judgments and decrees may be registered. —The owner of any judgment or decree rendered in any court of record of this state, or of the United States, held in this state, may file in the office of the judge of probate of any county of this state, a certificate of the clerk or register of the court by which the judgment or decree was rendered which certificate shall show the style of the court which rendered the decree or judgment, the amount and date thereof, the amount of costs, the names of all parties thereto, and the name of the plaintiff's or complainant's attorney, and shall be registered by the judge of probate in a book to be kept by him for that purpose, which said register shall also show the date of the filing of the judgment or decree, and said judge shall make a proper index to said book, which shall also show under the proper letter or letters of the alphabet the names of each and every defendant to said judgment or decree, and such judgments or decrees shall be recorded in chronological order of the filing of such judgments or decrees. Such certificate shall also show the address of each defendant or respondent, as shown in the court proceedings."

Section 2. This act shall become effective sixty days after its passage and approval by the Governor, or sixty days after its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1061

H. 843—Manley, Quarles, Pegues, Sonnier, Lockett, Campbell, Weeks, Teague, Higginbotham, Baker, Whatley, Martin, Biddle, Crowe, Turnham, Falkenburg, Cross, Armstrong, Moore (O), Carter, Morris, Riddick, Hall, Edwards, Sasser, Carothers, Goodwin, Merrill, Coburn, Clark, Lee, Leonard, Johnson, Rich, Hopping, Harrison, Hilliard, Jolly, McNees, Starkey, Lutz, Greer, Taylor, Ford

AN ACT

To establish an Alabama Women's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for the holding of meetings; and to appropriate funds for the use of the Board in carrying out its purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be created and established as herein provided a board to be designated and known as the Alabama Women's Hall of Fame. The board shall be composed of eleven members with at least one member chosen from each of the following fields: Politics, Art, Education, Business, Law, Community Service, Medicine, Religion, Science, and the initial members of the board shall be appointed by the Governor.

In addition, the Governor of the State of Alabama and the President of Judson College shall serve as voting members of the Board. The Executive Secretary shall serve as a non-voting member of the Board. The board shall meet semi-annually and at such other times as its rules and by-laws may prescribe. A quorum of seven members of the Board must be present for business to be conducted. The members of the board shall not be compensated for their services but each member shall be entitled to reimbursement for expenses incurred in attending board meetings. Members of the board shall serve for terms of three years. The board will fill vacancies as they occur and shall have full and final right of choosing succeeding members. The chairman shall be elected annually. The Executive Secretary shall serve at the pleasure of the Board.

Section 2. The board shall be domiciled at Judson College, Marion, Perry County, where it shall maintain such halls, rooms or quarters as may be considered suitable and appropriate for conducting its affairs. Judson College shall cause to be set apart a section thereof to be used by the board for display of plaques, busts, books, papers, pictures, and other memorabilia relating to women of achievement.

Section 3. It shall be the function and main purpose of the Board to honor those women of Alabama who have rendered outstanding services or have won fame on account of their achievements. It shall elect to the Alabama Women's Hall of Fame such women who are nominated for election and ~~who~~ receive a unanimous vote of the Board of Directors with at least a quorum of the Board present and voting unanimously. The installation of each elected member of the Alabama Women's Hall of Fame may occur on a separate occasion so as to focus attention on the individual contribution of each honoree. No more than two new members of the Hall shall be selected each year and these new members must be deceased

at the time of their selection. Nominations shall be received from the public.

Section 4. The board shall receive an annual appropriation not to exceed \$6,000 which shall be fixed by the Legislature during each regular session thereof. The appropriation provided shall be used by the Board to pay for stationery, plaques, display cases, installation programs, administrative functions, and such other necessary or appropriate expenses incurred in carrying out the purposes of the Board.

Section 5. There is hereby appropriated from the Alabama Special Education Trust Fund in the State Treasury the amount of Six Thousand Dollars (\$6,000.00) for the fiscal year ending September 30, 1976 for the use of the Board in carrying out the provisions and purposes herein prescribed.

Section 6. The board may solicit and accept donations, contributions and gifts of money and property, and all gifts made to the board shall be exempt from taxation in Alabama. All property, money, income, resources and activities of the board shall likewise be exempt from taxation.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1062

H. 860—Taylor, Ford, Rich

AN ACT

Relating to the Sixteenth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional judgeship for the Sixteenth Judicial Circuit, which shall be designated judgeship No. 4. The additional judge shall be appointed for the circuit by the Governor, within ten days after the effective date of this Act, who shall hold office until his successor is elected and qualified at the next general election for any state office. The judge so elected shall hold office until his successor is elected and qualified at the next general election for cir-

cuit judges. At the first general election for circuit judges held after the election of the first judge to fill the judgeship hereby created and every six years thereafter, a judge shall be elected to fill such judgeship at the same election as other circuit judges of the Sixteenth Judicial Circuit.

Section 2. The judge appointed or elected as provided in Section 1 of this Act shall have and shall exercise all the jurisdiction, power, right and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all of the pains and penalties of such office as any other such judge is subject to in the same circuit.

Section 3. The compensation and allowances of such judge shall be paid in the same amount and under the same terms and manner as that of the other judge in the circuit.

Section 4. The judge may appoint a bailiff, and a court reporter whose qualifications, powers, duties, and authority shall be the same as each other bailiffs and reporters of the court and whose compensation shall be paid in the same amount and under the same terms and manner as other bailiffs and reporters of the Sixteenth Judicial Circuit.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1063

H. 1046—Hill, Greer, Coburn, Goodwin

AN ACT

To prohibit the unauthorized copying of certain recorded articles for sale and the sale of such articles with knowledge that the sounds have been transferred thereon without the consent of the owner and providing punishment therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Ownership Defined.—Unless the context clearly requires otherwise, the term "owner," as used in this act, shall

mean the persons who owns the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded and from which the transferred sound are directly or indirectly derived.

Section 2. Illegal Transfer of Sound.—It shall be a felony for any person to:

(a) Knowingly transfer or cause to be transferred directly or indirectly by any means, any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with the intent to sell or cause to be sold, or to be used for profit through public performance, such article on which sounds are so transferred, without consent of the owner; or

(b) Manufacture, distribute or wholesale any article with the knowledge that the sounds are so transferred without consent of the owner.

(c) The provisions of this section shall not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds other than from the sound track of a motion picture intended for, or in connection with broadcast or telecast transmission or related uses, or for archival purposes.

(d) Penalties for violations hereof are proscribed in Section 6, *infra*.

Section 3. Misdemeanor Offense to Retail Unlawfully Recorded Device.—It shall be a misdemeanor for any person to knowingly retail or possess for the purpose of retailing any recorded device that has been produced, manufactured, distributed, or acquired at wholesale in violation of any provision of this act.

Section 4. Manufacturer's Name on Package.—Every recorded device sold or transferred or possessed for the purpose of sale by any manufacturer, distributor, or wholesale or retail merchant shall contain on its packaging the true name of the manufacturer; provided, however, that the term "manufacturer" shall not include the manufacturer of the cartridge or casing itself, but shall mean the manufacturer of the actual recorded material.

Section 5. Confiscation of Unauthorized Recordings.—It shall be the duty of any state, county or local law enforcement officer to confiscate all duplicating equipment and recorded material that do not conform to the provisions of this act and shall deliver the non-conforming recorded devices to the state

attorney general or the appropriate local district attorney of the judicial district in which the confiscation was made. The provisions of this section shall apply to any nonconforming recording, regardless of lack of knowledge or intent on the part of the retail seller.

Section 6. Penalty for Improper Sale or Manufacture of Recorded Material.—Each separate manufacture, distribution, sale or transfer at wholesale of any unauthorized recording in contravention of the provisions of this act shall upon conviction constitute a separate offense punishable by imprisonment not less than one (1) year, nor more than three (3) years, or by fine of not more than twenty-five thousand dollars (\$25,000) for the first offense, or both: and by imprisonment not less than three (3) years, nor more than ten (10) years, or by fine not more than one hundred thousand dollars (\$100,000), or both for any subsequent offense.

Section 7. Civil Action, Damages.—(a) Any owner of recorded material whose material has allegedly been illegally reproduced as provided herein shall have a cause of action in the circuit courts of this state for all damages resultant therefrom, including actual, compensatory and incidental damages, as well as punitive damages of not more than three (3) times the amount of the total cost of producing the illegally recorded material.

(b) Any lawful producer of recorded material, as set forth in this act, whose product is allegedly the subject of a violation of the provisions of this act shall have a cause of action in the circuit courts of this state for all damages resultant therefrom, including actual compensatory and incidental damages, as well as punitive damages not exceeding three (3) times the amount of the total cost of producing the recorded materials.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

AN ACT

To add to the land limits of the City of Vestavia Hills in Jefferson County, Alabama, by removing certain area now part of the unincorporated area of Jefferson County, Alabama, and adding same to the land limits of the City of Vestavia Hills, and to describe the area so removed from the unincorporated area of Jefferson County, Alabama, and so added to the City of Vestavia Hills.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Vestavia Hills in Jefferson County, Alabama, are altered, rearranged and extended to include within the corporate limits of said City, the parcels of land hereinafter described, and to exclude the same from the unincorporated area of Jefferson County, Alabama, as follows:

PARCEL I: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Block 10, according to the survey of South Birmingham Heights as recorded in Map Book 7, Page 41 in the Probate Office of Jefferson County, Alabama.

PARCEL II: (A) Acreage Tracts 33 and 13, situated in Section 30, Township 18, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Lying East of U. S. Highway Number 31 in said Section 30, Township 18, Range 2 West; and

(B) Acreage Tract 5, situated in Section 31, Township 18, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying East of U. S. Highway Number 31 in said section 31, Township 18, Range 2 West.

PARCEL III: (A) Lot 16 in Block 7, according to the survey of First Addition to Shades Park as recorded in Map Book 8, Page 22 in the Probate Office of Jefferson County, Alabama; and

(B) Lots A, 1, 2, 3, 4, 5, 6, 7, 8 and 15 in Block 6, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the Probate Office of Jefferson County, Alabama; and

Lots 1, 2, 3, 4, 5, 7 and 9 in Block 7, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the Probate Office of Jefferson County, Alabama; and

Lots 1, 3, 4, 5 and 6 in Block 8, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the Probate Office of Jefferson County, Alabama; and

(C) Lots 1, 2, 3, 4, 5, 6-A, 6-B, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19-A and 19-B, according to the survey of Lewis Addition to Vestridge as recorded in Map Boop 101, Page 38 in the Probate Office of Jefferson County, Alabama; and

(D) Lot 1, according to the survey of Hutchinson Subdivision as recorded in Map Book 62, Page 51 in the Probate Office of Jefferson County, Alabama; and

(E) Acreage Tract 5, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the section corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section thence north along east line 397.50 feet to point of beginning, thence 86 degrees 58 minutes left 3000 feet, thence 86 degrees 54 minutes right 120 feet to southeasterly right-of-way public road and the intersection of a curve which radius is 165 feet and sub by a central angle of 11 degrees 40 minutes, thence northeasterly along arc of a curve 33.60 feet, thence east 274.97 feet to a point on the east line said $\frac{1}{4}$ - $\frac{1}{4}$ section which is 150 feet north of point of beginning, thence 87 degrees 57 minutes right 150 feet to point of beginning; and

(F) Acreage Tract 6, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at SE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence north along east line 547.5 feet to point of beginning, thence continue same course 150 feet, thence 88 degrees 56 minutes left 250 feet, thence 91 degree 08 minutes left 145.71 feet, thence 87 degrees 53 minutes left 249.97 feet to point of beginning; and

(G) Acreage Tract 80, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commerce at the SE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, thence northerly along east line 697.5 feet to point of beginning, thence 88 degrees 56 minutes left in a westerly direction 150 feet, thence 104 degrees 57 minutes right northeasterly 181.17 feet, thence 75 degrees 03 minutes right easterly 100 feet, thence 88 degrees 56 minutes right southerly 175.07 feet to point of beginning; and

(H) Acreage Tract 81, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more par-

ticularly described as follows: Commence at the SE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, thence north 697.5 feet, thence west 150 feet for a point of beginning, thence right 104 degrees 57 minutes northeast 181.17 feet, thence west 175 feet, thence south 175.07 feet, thence east to point of beginning; and

(I) Acreage Tract 115, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, thence north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 712.5 feet, thence left 88 degrees 56 minutes westerly 304.51 feet for a point of beginning, continue last named course 227.15 feet, thence left 91 degrees 14 minutes southerly 15 feet, thence west to the SE corner of the Empire Building Company Survey, thence northeasterly along the east line of said survey 200 feet, thence east to north line of section 202.67 feet, thence south 145.07 feet, thence west 28.95 feet, thence south 15 feet to point of beginning; and

(J) Acreage Tract 116, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, thence north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 712.5 feet, thence left 88 degrees 56 minutes westerly 304.51 feet for a point of beginning, continue last named course 227.15 feet, thence left 91 degrees 14 minutes southerly 216.29 feet to a point on a curve right having a central angle of 3 degrees 24 minutes and a radius of 137.98 feet, thence along the arc of said curve 8.17 feet to a point of tangent of said curve, thence along said tangent 45.9 feet to a point of a curve left having a central angle of 27 degrees 42 minutes and a radius of 147.24 feet, thence along an arc of said curve 69.39 feet to a point of a compound curve having a central angle of 12 degrees 53 minutes and a radius of 314.48 feet, thence along the arc of said curve 70.71 feet to a point of tangent, thence along said tangent 2.56 feet to the point of the curve to the left having a central angle of 57 degrees 17 minutes and a radius of 135 feet, thence along arc of said curve 134.93 feet to a point of tangent, thence along said tangent 24.37 feet to the point of the curve left having a central angle of 88 degrees 52 minutes and a radius of 25 feet, thence along an arc of said curve 38.59 feet to a point of tangent, thence right 90 degrees northerly 15 feet to the point of beginning; and

(K) Acreage Tract 117, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner

of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, thence north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 712.5 feet, thence left 88 degrees 56 minutes westerly 531.66 feet, thence 91 degrees 14 minutes left southerly 15.24 feet to a point of beginning, thence continue 200.82 feet to the northerly right-of-way line of public road, thence along an arc curve left 78.58 feet, thence along a tangent 84.60 feet, thence 139 degrees 58 minutes right north-easterly 277.37 feet, thence 70 degrees 00 minutes right easterly 46.55 feet to a point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1065

H. 1739—Hall

AN ACT

To authorize the county board of education in all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census to provide transportation for public school pupils, in grades one through twelve, who live less than two miles from the school they are attending if the local county or city superintendent certifies the routes are dangerous or hazardous.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census.

Section 2. The county board of education is authorized to provide transportation for public school pupils who reside in the jurisdiction of the county board of education in grades one through twelve, who live less than two miles from the school they are attending, notwithstanding any statute, law, regulation, directive, or policy to the contrary, provided the local city or county superintendents certifies that the routes are dangerous or hazardous.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1066

H. 1914—Quarles

AN ACT

To create a county planning commission in every county in this state which has a population of not less than 27,900 nor more than 33,500, according to the most recent federal decennial census; to provide for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of the county; to provide for an election in each beat prior to the application of such authority of the commission in each beat; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions to such zoning regulations and for appeals from the decisions of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Creation of county planning commission. There is hereby created a planning commission for every county in this state having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census. The commission shall be appointed as herein provided and shall have responsibilities and duties as are stated herein. The commission shall be known as the county planning commission.

Section 2. Personnel of each county planning commission. Each commission shall be composed of seven members, all of whom shall be over the age of 25 years and each of whom shall be a qualified elector in and an actual resident of and a freeholder in the county who resides outside the corporate limits of any municipality therein. Two of the members shall be appointed by the county commission of the county, two shall be appointed by the county board of education, two shall be appointed by the judge of the circuit court of the county in which the commission is located. Not over two members of the commission shall come from any one beat of the county. Each member shall serve a term of six years and until his successor is duly appointed and qualified. Prior to taking office each member shall subscribe to an oath as provided by law for public officials and the same shall be recorded in the probate office of the county. The original members of this commission

shall draw lots to determine the period of time each is to serve and the terms of two shall expire two years from the date of the organization of the commission, the terms of two shall expire four years from the date of the organization of the commission and the terms of three shall expire six years from the date of the organization of the commission. In the event of a vacancy on the commission the same shall be filled as in the case of the original appointment. All members shall serve without compensation, and the members shall hold no other county office. However, reasonable and necessary expenses of the members shall be paid from the general fund of the county.

Section 3. Jurisdiction of commission. The jurisdiction of the commission shall extend to all areas of the county outside the boundaries of municipal corporations; provided, however, that where a municipality now or in the future is authorized to exercise and does in fact exercise planning and zoning powers in any area outside its municipal boundaries, such areas shall be excluded from the jurisdiction of the county planning commission.

Section 4. Organization and rules. The commission shall elect its chairman and create and fill such other offices as it may determine. The term of chairman shall be for one year, with eligibility for re-election. The commission shall normally hold at least one regular meeting each month. It shall adopt by-laws for the transaction of business and shall keep a record of its resolutions, transaction of business, which record shall be a public record. Five of the members shall constitute a quorum to transact the business of the commission.

Section 5. Staff and finances. The commission may appoint, promote, demote, and remove such employees as it deems necessary for its work. The commission may also contract with county or city planners, engineers, architects, and other consultants and with any local, state, or federal agency for such services as it may require. The commission may cooperate with and accept funds from federal, state and local public or semi-public agencies, private individuals or corporations, and may expend such funds, and may carry out such cooperative undertakings and contracts for planning studies necessary in the performance of its duties. The expenditures of the commission, exclusive of gifts, grants, or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body.

Section 6. General power and duties of the commission. It shall be the function and duty of the commission to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning regulations as provided by Section 10 hereof for the physical development of the county; provided, however,

that the commission shall have no power, by the adoption of zoning regulations or otherwise, to limit or impair in any manner the use of land for mining, quarrying or otherwise extracting coal, limestone or other minerals located therein, or for processing or distribution of such minerals. Such plan and regulations with the accompanying maps, plats, charts, and descriptive material shall show the commission's recommendations for the use and development of the territory of the county. The zoning regulations shall also include a zoning plan for selected areas for the control of the height, area, bulk, location, and use of buildings and land. As the work of making the whole master plan and preparation of zoning regulations progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county. The commission may from time to time amend, extend, or add to the plan or regulations as hereinafter provided. Nothing in this act shall be construed to impair the right of eminent domain conferred on railroads and utilities, both public and private, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

Section 7. Purposes in view. In the preparation of the master plan and zoning regulations, the commission shall make careful and comprehensive surveys and studies of the present conditions existing within the county with due regard to existing agricultural uses, to land by virtue of its fertility, proximity to water supplies, and other geographical features which is particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to the growth of sub-divisions, to the general population growth of the county, and make adequate provision for traffic, recreational areas and industry, and other public requirements. The plan and zoning regulations should be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and should promote safety from fire, flood and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan and regulations shall be a public record, but its purpose and effect shall be to aid the planning commission in the performance of its duties, including making recommendations to the county governing body and assisting and cooperating with other federal, state and local agencies so

as to achieve coordinated, adjusted, and harmonious development.

Section 8. Election to determine if beat is to be covered by the master plan and zoning regulations. The master plan and zoning regulations provided by the commission shall not be applicable in any beat of any county to which this act applies until the majority of the qualified electors of the beat voting in a special election shall have signified by their vote that they desire the authority of the commission, its master plan and the zoning regulations to apply to their beat. Such an election must be held not less than 30 nor more than 45 days after a petition is filed in the office of the judge of probate seeking such an election and signed by no less than 25 electors who vote in said beat and who also own an interest in real estate that is located in such beat. Notice of such election shall be given by three weeks publication and posting notice in two public places within the beat. The cost of conducting said election shall be paid from the general fund of the county. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he wishes the authority of the commission, its master plan and the zoning regulations to apply to such beat. Only those qualified electors outside of the boundaries of municipal corporations, or where a municipality now or in the future is authorized to exercise, and does, in fact, exercise planning and zoning powers in any area outside its municipal boundaries, or such areas excluded from the jurisdiction of the commission as set out in Section 3, shall be permitted to vote or sign a petition calling for election in the beat concerned and a statement of this fact shall be carried on the ballot.

Section 9. Subdivision regulations. The commission shall adopt a code of regulations applicable to the subdivision of land and plats of subdivisions shall not, after the adoption of such code of regulations, be accepted for filing and recording in the probate office until they have been approved in a manner to be designated by the commission. The commission is hereby authorized to provide a penalty not to exceed \$100 per lot to be paid by anyone who sub-divides property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. The provisions of this section shall apply within the jurisdiction of the commission as specified in Section 3.

Section 10. Zoning; grant of power. For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the county, the commission is hereby empowered to divide the portion of the county within its zoning jurisdiction into districts of such number, shape and

area as may be found best suited to carry out the purpose of this act, and to provide within such districts for standards relating to the use of the land and the types and kinds of structures that may be erected in such districts, excluding all buildings having a cost of under five hundred dollars (\$500), and all home remodeling or modification in such districts. Such provision shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue mixed use of land; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks, and other public requirements. Such provision shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings; and encouraging the most appropriate use of land and of buildings and structures throughout the jurisdiction of the commission. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the commission may make a single zoning plan for all the territory of the area which lies within its jurisdiction or may make and certify separate and successive zoning plans for parts of such territory which it deems suitable for urban or suburban development or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning regulations enacted by the commission may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan.

Section 11. Publication of notice of proposed change in zoning regulations. Once zoning regulations have become applicable to a beat as provided by Section 8 hereof, such regulations shall not be changed by the commission until the proposed change has been published for three weeks in a newspaper of general circulation within the county together with a notice stating the time and place that the change in regulations will be considered by the commission, and stating further that at such time and place all persons who desire shall have an opportunity to be heard in favor of or in opposition to such change in such zoning regulations.

Section 12. Zoning regulations shall not be retroactive. No zoning regulation adopted by the commission shall change any use to which land is being made at the time such zoning regula-

tions become applicable in any beat.

Section 13. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, with the exception of those buildings or structures as excluded in Section 10, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the commission may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision or land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this act.

Section 14. Exceptions to zoning regulations. The commission may in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted by the commission. Anyone wishing to appeal from an existing zoning regulation may file a written petition stating the basis for such appeal whereupon the commission shall fix a date for such hearing, giving notice as to the commission may seem appropriate, and on such hearing the commission shall have the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the commission or official in the enforcement of this act of any regulation adopted pursuant thereto; (2) to hear and decide on requests for special exceptions to the term or provisions of the regulations upon which such commission is required to pass; and (3) to authorize upon appeal in special cases such variance from the yard, open space, land use, bulk and height requirements of the regulation as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation will result in unnecessary hardship, all in order that the spirit of the regulations shall be observed and substantial justice done.

Section 15. Appeals. Any party aggrieved by any final judgment or decision of the commission pursuant to the provisions of Section 14 may within 15 days thereafter appeal therefrom, which appeal shall rest upon the conviction that such zoning regulations in question are unreasonable, discriminatory, unconstitutional, or otherwise invalid, and such appeal shall be addressed to the circuit court or other court having

like jurisdiction within the county where the affected property of the aggrieved party is located, by filing with such commission a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal the commission shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken.

Section 16. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1067

H. 1939—Drake, Sparks

AN ACT

To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Good Hope, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Good Hope, Alabama, in addition thereto the following described territory, to-wit:

TRACT I:

The Southwest Quarter of the Northeast Quarter of Section 32, Township 10 South, Range 3 West.

TRACT II:

The Southeast Quarter of the Northwest Quarter of Section 5, Township 11 South, Range 3 West. Also, the Southwest Quarter of the Southwest Quarter of Section 5, Township 11 South, Range 3, W.

TRACT III:

All that portion of the Southeast Quarter of the Southeast Quarter of Section 28, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

ALSO: All that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

TRACT IV:

The Southeast Quarter of the Southwest Quarter of Section 28, Township 10 South, Range 3 West.

TRACT V:

All that portion of the West half of the Northeast Quarter of Section 33, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1068

H. 1949—Reed

AN ACT

To provide an additional expense allowance for the chairman and members of the county commission of all counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, the county commission may increase the expense allowance of the chairman and each member of the commission by an amount not to exceed \$150 per month. This expense allowance shall be in addition to any and all other expense allowances provided them. Provided however, that this expense allowance may be paid out of either the gasoline funds, road and bridge funds, or the general fund of the county.

Section 2. This Act shall become effective on the first day of the month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1069

S. 86—McDonald (S), Torbert, Bank

AN ACT

To amend Title 52, Section 41, as amended, Code of Alabama 1940, which relates to the appointment, term, qualifications and salary of the State Superintendent of Education so as to raise the top annual salary that can be paid to the State Superintendent of Education and provides that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 41, as amended, Code of Alabama 1940, is hereby amended to read as follows:

“Section 41. As the chief executive officer of the State Department of Education there shall be a State Superintendent of Education, who shall be appointed by the State Board of Education and shall serve at the pleasure of the State Board of Education. Provided however that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years. The Superintendent of Education shall be a person of good moral character, with academic and professional education equivalent to graduation from a standard university or college, who is knowledgeable in school administration and has training and experience sufficient to qualify him to perform the duties of his office. The salary of the State Superintendent of Education shall be such amount per annum as shall be set by the State Board of Education in an amount within the range of \$23,500 up to \$40,000 to be paid in installments from the annual appropriation of the State Department of Education.”

Section 2. All laws or parts of laws, specific or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

 Act No. 1070

 H.J.R. 343—Smith (B), Lutz, Albright
 Riddick, Moore (W), Gregg

HOUSE JOINT RESOLUTION

CONGRATULATING HUNTSVILLE SENIOR HIGH

SCHOOL UPON BEING AWARDED THE NATIONAL BELLAMY AWARD

WHEREAS Huntsville Senior High School has recently received the National Bellamy Award which recognizes Francis Bellamy, author of the Pledge of Allegiance to the flag of the United States of America; and

WHEREAS said award honors that high school in the state which best exemplifies quality and high standards of educational achievement; and

WHEREAS for the next fifty years Huntsville Senior High School shall serve as the standard bearer for all the quality educational institutions in the State of Alabama; and

WHEREAS said award was made possible only through the tireless effort of loyal alumni, accomplished faculty members, a united student body, an outstanding principal and administration, dedicated members of the Huntsville Board of Education, and a proficient superintendent of education; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That we heartily congratulate Huntsville Senior High School upon being awarded the National Bellamy Award and we salute the entire Huntsville School system and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Joe L. Anglin, principal of Huntsville High School, Dr. V. M. Burkett, superintendent of the Huntsville Board of Education, to the Huntsville Board of Education members (Tony Reynolds, Preston Farrish, Fletcher Selden, president, and Jonh Goodlow) and to the student body and faculty of Huntsville High School.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1071

H.J.R. 407—Kinsey

HOUSE JOINT RESOLUTION

COMMENDING JOHN L. WEBB

WHEREAS, John L. Webb, JN, was selected as Commander of District 15 of the United States Power Squadron; and

WHEREAS, as Commander he is charting a steady course

for eleven squadrons extending from Baton Rouge, Louisiana to Panama City, Florida; and

WHEREAS, John L. Webb, a prominent architect in the State of Louisiana is giving of his time and talents to further boating education and safety for the benefit of the members of the organization as well as the general public; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend John L. Webb, JN, for his outstanding leadership of District 15 of the United States Power Squadron.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1072

H.J.R. 408—Kinsey

HOUSE JOINT RESOLUTION

COMMENDING WALTER R. COSDON

WHEREAS, Walter R. Cosdon, JN, is Past Chief Commander of the United States Power Squadrons, a national organization of private boatmen; and

WHEREAS, he was Commander of all 426 Power Squadrons in the United States with a total membership of 80,000 for the period between January 1972 to January 1974; and

WHEREAS, Walter R. Cosdon, JN, charted the course of the organization and piloted it with a steady hand; and

WHEREAS, under his leadership the organization played an important part in teaching and encouraging boating safety on the nation's waterways and contiguous seas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Walter R. Cosdon, JN, for his outstanding leadership of the United States Power Squadron.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1073

H.J.R. 414—Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JACK BRADFORD, SR. OF WALKER COUNTY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Jack Bradford Sr. of Walker County; and

WHEREAS, Jack Bradford Sr. was a devoted community builder who took an active role in the political, religious and community affairs of Walker County; and

WHEREAS, Jack Bradford Sr. was a true Southern gentlemen who was interested in good government and was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, this legislature would like to pay tribute to this outstanding citizen of Walker County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Jack Bradford Sr. and express our deep and sincere sympathy to the members of his family.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1074

H.J.R. 415—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. N. B. UNDERWOOD ON THEIR GOLDEN WEDDING ANNIVERSARY

WHEREAS, fifty years ago Mr. and Mrs. N. B. Underwood, of Carbon Hill, Alabama, pledged their lives and exchanged the vows of holy matrimony on the altar of love; and

WHEREAS, this lovely couple, who have been life long residents of northwest Alabama, have made immeasurable contributions to the educational, religious, civic and business well-being of the State of Alabama; and

WHEREAS, during a rainbow span of fifty years their married life has shined as an inspiration to all who know them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. and Mrs. N. B. Underwood on their golden wedding anniversary and commend them on their sterling example to all.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. N. B. Underwood.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1075

H.J.R. 423—Warren

HOUSE JOINT RESOLUTION

NAMING SB 152 the Harris-Jones Bill

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. B. 152, which has passed both houses, be designated and known as "The Harris-Jones Bill."

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1076

H. 1953—Owens

AN ACT

To require the City of Centreville in Bibb County to establish a personnel and merit system under the supervision of the State Personnel Department and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Centreville in Bibb County is hereby authorized and directed to enter into an agreement with the State Personnel Department for the establishment of a city personnel and merit system. Such system shall be established based upon recommendations of the State Personnel Department and any cost thereof shall be paid from any funds available in the city treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such

declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1077

H. 1956—Kelley

AN ACT

Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this Act applies it shall be illegal to trap foxes by the use of any kind of steel traps.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1078

H. 1955—Smith (M)

AN ACT

To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Wedowee, Randolph County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Wedowee and in addition thereto the following described territory, to wit:

SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 2, Township 20, Range 11

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1079

H. 1958—McCluskey

AN ACT

Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$8,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, the county governing body is authorized to pay from any funds in the county treasury not otherwise appropriated, a sum not exceeding eight thousand dollars (\$8,000.00) per annum, to be used by the sheriff for the purchase of equipment necessary for the proper performance of his duties and for the purchase of uniforms for the deputies, jailers, and other employees of the sheriff's department.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1080

H. 1965—McMillan

AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing for an increase in the annual expense allowance for the sheriff of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, the sheriff of such counties shall receive a six hundred dollars (\$600.00) per annum increase in annual expense allowance. Such increase shall be in addition to any and all other compensation and allowances presently provided by law, and shall be payable in equal monthly installments from the General Fund in the County Treasury.

Section 2. This act shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1081

H. 1966—McMillan

AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000; to provide an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census the probate judge shall be paid an additional expense allowance in amount of \$600.00 per annum out of the county general fund. And it shall be in addition to any and all other expense allowances, compensation, and salary provided by law.

Section 2. This act shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1082

H. 1967—McMillan

AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for an additional expense allowance for the tax collector and the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, the tax collector and the tax assessor shall each receive an additional annual expense allowance of \$600.00 per year. Such allowance shall be in addition to any and all other compensation and allowances provided for by law, and payable in equal monthly installments.

Section 2. This Act shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1083

H. 1968—McMillan

AN ACT

To provide additional compensation for members of the jury commission in all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, each member of the jury commission shall be paid additional compensation in the amount of one hundred fifty dollars (\$150) per annum, such amount to be paid in equal monthly installments out of the General Fund in the County Treasury.

Section 2. This Act shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1084

H. 1969—McMillan

AN ACT

Relating to all counties having populations of not less than 57,000

nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census.

Section 2. In all counties to which this act applies, the clerk of the circuit court shall be entitled to a salary of \$9,800.00 per annum and the register shall be entitled to a salary of \$7,400.00 per annum, which shall be paid in equal monthly installments out of the general funds of the county. Provided, however, if the circuit clerk also serves as register of the circuit court, then he shall receive a total compensation equal to the salary of the tax assessor or tax collector for performing the duties of both clerk and register.

Section 3. The salaries provided herein in Section 1 shall become effective upon the expiration of the terms of office held by the incumbent office holders enumerated herein in Section 1.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1085

H. 291—Turnham

AN ACT

Relating to taxation; amending Section 613, Title 51, Code of Alabama (1940), as last amended, which relates to the licensing of vending machines.

Be It Enacted by the Legislature of Alabama:

Section 613. (a) Every person, firm, corporation, association, or co-partnership operating a vending machine business whereby tangible personal property is sold through or by the use of coin operated machines shall pay an annual privilege license tax based on the total sales of each such vending company during the preceding year as follows:

On total sales of:	Amount of License is:
\$12,000.00 or less	\$ 10.00
\$12,000.01 - 24,000.00	\$ 20.00
\$24,000.01 - 36,000.00	\$ 30.00
\$36,000.01 - 48,000.00	\$ 40.00
\$48,000.01 - 60,000.00	\$ 60.00
\$60,000.01 - 80,000.00	\$ 75.00
\$80,000.01 - 100,000.00	\$ 90.00
\$100,000.01 - 150,000.00	\$ 125.00
\$150,000.01 - 200,000.00	\$ 150.00
\$200,000.01 - 250,000.00	\$ 175.00
\$250,000.01 - 350,000.00	\$ 200.00
\$350,000.01 - 450,000.00	\$ 300.00
\$450,000.01 - 750,000.00	\$ 400.00
\$750,000.01 - 1,000,000.00	\$ 500.00
\$1,000,000.01 - 2,500,000.00	\$ 600.00
\$2,500,000.01 - 5,000,000.00	\$ 700.00
\$5,000,000.01 - 7,500,000.00	\$ 800.00
\$7,500,000.01 - 10,000,000.00	\$ 900.00
\$10,000,000.01 or more	\$1000.00

(b) The revenues produced by the license taxes levied in this article shall be divided equally between the State and the several counties in which it is collected. No separate county license shall be required. The several probate judges and license commissioners shall report and remit monthly to the State Treasurer all moneys collected for the use of the State, and to the counties all moneys collected for the counties. The payment of such occupational license as herein provided for in one county in the state shall be sufficient and the vending machine company shall conspicuously post on each machine operated by him under such license, his name and address. Hotels, motels, tourist camps, or other places of business having less than five (5) coin-operated radios shall pay \$8.00 for each location; establishment, or place of business receiving transmitted music by wire or cable, except that such locations, establishments, or place of business having less than five (5) transmitters or speakers \$8.00 for each such transmitter or speaker in excess of four (4) \$2.00 each; provided, however, that where the music transmitter by wire or cable from any central point or studio, whether such point or studio is situated within or without such location, establishment, or place of business, is not coin-operated or where no deposit of a coin or other thing of value into any machine is necessary in order that music may be heard, then each person, firm

or corporation engaged in the business of transmitting music by wire or cable may pay in lieu of the speaker or transmitter tax specified above a privilege tax as follows: In counties of 60,000 inhabitants or less, \$30.00; in counties of 60,001 and not exceeding 125,000 inhabitants, \$60.00; in counties of 125,001 inhabitants and over, \$80.00; provided that one license may be issued to include all coin-operated radios and/or transmitters or speakers located within such hotel, motel, tourist camp location, establishment, or other place of business, which license shall be prominently displayed. The licenses herein provided for shall be levied upon the operator of the machine, the coin-operated radio, or the central point or studio from which point or studio the music is transmitted; provided, however, that in the event any unlicensed machine, coin-operated radio, transmitter or speaker is found in any establishment or place of business, the operator of such establishment or place of business shall be the operator of such machine, coin-operated radio, transmitter or speaker and shall be liable for the license therefor. Provided that nothing in this section shall apply to machines installed by any person, firm or corporation, nor to coin-operated gas meters, or to coin-operated telephones, nor to machine vending postage stamps in its place of business vending necessary articles on a non-profit basis for emergency use only by the employees of such person, firm or corporation. Provided that no license shall be required under this section where a privilege or dealer's license is required by this chapter for the sale of such article and such privilege license shall have been obtained by the person, firm or corporation operating the place of business where such machine is located, or the owner of such vending machine shall have secured such privilege license as required herein.

Any person operating or permitting the operation of a vending machine dispensing packages or in quantities less than a package of cigarettes, or any article on which there is an excise tax the payment of which is evidenced by stamps without first having paid the tax thereon by affixing the required stamps to the original package as required under Section 718 of this title shall be guilty of a misdemeanor and punished as provided in such section for failure to pay said tax. Each vending machine vending tobacco products of any kind whatsoever shall have securely affixed thereto in full view the name and address of the legal owner of said machine. Provided that when tobacco products of any and whatsoever are found in such vending machines to be improperly stamped or unstamped, in violation of Section 718 of this title, such vending machine and contents shall be confiscated by any duly authorized agent of the department of revenue as provided in Section 718 of this title, for the confiscation of improperly stamped or unstamped tobacco products. Each vending machine vending to-

bacco products of any kind whatsoever shall have a transparent front window, or windows, through which the Alabama revenue stamps required by Section 718 of this title may be seen without the necessity of opening or unlocking the vending machine. Provided further that for the purpose of any excise or consumption taxes the payment of which is not evidenced by stamps, levied on any of the articles dispensed through such machine, the person in whose place of business each machine is located shall be considered the consumer of such article and shall be liable for such taxes measured by the regular retail price thereof. Provided further that no license shall be required under this section for home type merchandise vending machines placed in private homes for home use only and not for public use; provided further that nothing herein contained shall be construed as legalizing or licensing any machine or device which is now illegal or which may hereafter be declared illegal; provided further that all the licenses levied by this section shall bear the business address of the owner or operator thereof; it being the legislative intent that only one state and one county license shall be required for the operation of a vending machine company under this section within this state for any one license year. Provided further that the license shall be purchased in the county in which the home office or principal place of business of the company is located or in operation on October 1st or at the time the license is purchased for the licensing year. Any person failing to perform any of the duties required of him by the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars and not exceeding one hundred dollars for each offense. In the event that a new business is formed which has not heretofore been in the vending machine business, it shall pay only the minimum license until such time as a new license is required. Each applicant for any license required herein shall by sworn statement supply the gross sales as required herein and its books and records shall be available to any taxing authority within this state for inspection to insure compliance with this Act.

(c) On all other vending machines whereby tangible personal property is not sold but services or amusements are vended; with the exception that coin operated pool tables are specifically excluded herefrom and licensed under another section, operators shall pay a license as follows: On all machines whereby one cent is used, a fee of \$1.00; on all machines where over one cent is used, a fee of \$8.00. The license is to be paid, collected and distributed as heretofore provided in this section.

(d) The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(f) This Act, upon passage and approval by the Governor, or upon its otherwise becoming a law, shall be effective on September 30, midnight, 1975.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1086 H. 1208—Moore (W), Carter, Lutz, Smith (B), Riddick, Moore (O), Martin, Roberts, Cross, Starkey, Gafford, White, Andrews, Trammell, Coburn, Crowe, Smith (M), Hilliard, Jackson (R), Mitchem, Hopping, Lee, Kelley, Whatley, Leonard, Smith (J), Greer, Drake, Robertson, Sparks, Pegues, Campbell, Malone, Sandusky, Cates, Kinsey, Sonnier, Glass, Kennedy, Callahan, Warren, Teague, Lockett, Clark, Plaster, Howard, Gregg, Jolly, Harrison, Armstrong, Boles, Biddle, Morris

AN ACT

Relating to individual income taxation; providing further for deductions from gross income for state income tax purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In computing net income for state income tax purposes as provided by the Code of Alabama 1940, Title 51, Chapter 17, each individual resident taxpayer, or each husband and wife filing a joint income tax return, as the case may be, shall be allowed a deduction for gross income of the amount of any deductions currently allowed for federal income tax purposes by 26USC 1034 and as last amended by Public Law 94-12, the Tax Reduction Act of 1975, Title II, extension of period for replacing old residence for purposes of nonrecognition of gain under Section 1034, Sections 207, and Section 208 as made applicable to 26USC 1034, (approved March 29, 1975). The deduction allowed by this act shall be taken in the manner and under the same condition as provided for in the said 26USC 1034 as last amended and income therefor shall be recognized in the same manner and under the same conditions as provided for by said act. For the purposes of this Act property called new residence means and includes only property located within the State of Alabama.

Section 2. The commissioner of revenue is further author-

ized to make any rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act are supplemental to the Code of Alabama, Title 51, Chapter 17. Those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This act shall become effective on January 1, 1976.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1087

H. 1716—Quarles

AN ACT

To provide for a retirement pension for members of the county governing body of St. Clair County, to set the eligibility requirements for such pension and the amount, including contributions to retirement fund, and method and source of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any member of the county governing body of St. Clair County who has served a total of eighteen (18) years or more as a member of the St. Clair County governing body and or as a county employee of said county, provided that a minimum of fourteen (14) years of said service has been as a member of the St. Clair County governing body, and who has attained the age of sixty-five (65) years shall upon his retirement from such service, receive a pension from St. Clair County, which pension shall amount to two hundred dollars (\$200) per month, provided that such member has contributed to St. Clair County an amount equal to four percent (4%) of his gross salary, as such salary is paid to him after this act become operative. Such contributions shall, for members who are in office when this act becomes operative, be commenced beginning with the first month next following the date when this act becomes operative, and for subsequently elected members, shall commence upon their taking office. Such contributions shall continue to be made for as long as such members shall serve as members of the governing body, to the time of their retirement.

Section 2. Nothing contained in this act shall be construed as making contributions by any member mandatory, but any such member who does not participate by contribution toward his retirement shall not be entitled to the retirement benefits provided by this act. Any member who makes contributions to the county under the terms of this act but does not serve a total of at least eighteen (18) years as herein provided, shall upon his retirement or other separation from office, be entitled, or in the event of his death, his personal representative shall be entitled to a refund of the total amount of money, without interest, thus contributed by such member during his service in office, upon making verified claim therefor to the governing body of St. Clair County. In the event that any member begins to draw the retirement allowance to which he shall be entitled by the terms of this act and dies before withdrawing an amount equal to the total amount contributed by him during his covered service, the personal representative of such member shall be entitled to a refund of the remaining portion of the total amount so contributed by the member, without interest, upon making verified claim therefore to the governing body of St. Clair County. Any member of the governing body who fails to make the contributions herein provided shall not thereafter be allowed to pay past accrued contributions in order to avail himself of the benefits afforded by this act.

Section 3. This retirement pension shall be paid to such retired members by St. Clair County out of the general fund of said county in equal monthly installments, commencing on the first day of the second month after his retirement each such monthly payment to be for the last previous month and shall continue until his death.

Section 4. No person who is eligible or can qualify for retirement benefits under any other state or county retirement plan will be eligible to receive retirement benefits under this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

nor more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census.

Section 2. Upon implementation of the Judicial Article amendment to the Alabama Constitution, the constable of the present County Court in such counties shall be the Constable of the District Court and Tony Reynolds is hereby appointed to such office and shall serve until the first Monday after the second Tuesday in January, 1977, and until his successor is elected and has qualified. Each six years thereafter such constable shall be elected in the same manner as the judge or judges of the District Court. Said constable shall execute all civil processes from or issued by the District Court and make due returns thereof.

Section 3. The constable must be a qualified elector of such county. All processes issued out of the District Court shall be addressed to any lawful officer of such County. The Sheriff shall execute all criminal processes of the court, and he or one of his deputies shall attend the court on criminal trial days for which he shall be paid for as provided by law in District Courts.

In cases of sickness or other absence of the Constable or whenever requested to do so by the District Court, the sheriff shall execute processes at the direction of said court.

Section 4. The court of county commissioners shall provide the Constable such deputies and assistants as may be reasonably necessary for the proper discharge of his duties, and transportation or mileage for such execution of civil processes for the Constable and his deputies or assistants. Such deputies and assistants shall be appointed by the Constable and serve in accordance with local laws of such counties. The number and compensation of the deputies and assistants so appointed shall be subject to approval by the county governing body.

The Constable of the District Court shall receive an annual salary of \$10,000 plus all other cost of living expense allowances received by other county officials to be paid in twelve (12) equal payments per annum.

Section 5. All laws or parts of laws in conflict herewith are repealed.

Section 6. This act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1089

H. 1669—Callahan

AN ACT

To authorize the state of Alabama, acting through its agency, the Alabama state docks department, with the consent of the governor, to enter into contracts and agreements with the United States of America or any of its agencies for the purpose of acquiring from the United States of America, or any of its agencies, funds and facilities for public use in connection with waterways and navigation for which said funds are obtained and to comply with the provisions of Public Law No. 91-646 known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with such public projects for which Federal funds are available and used.

Be It Enacted by the Legislature of Alabama:

Section 1. The state of Alabama, acting through its agency, the Alabama state docks department, with consent of the governor, is hereby authorized and empowered to enter into contracts, leases, compacts or any other form of agreement with the United States of America or any of its agencies, departments or bureaus for the purpose of receiving or acquiring from the United States of America or any of its agencies, departments or bureau funds, matching funds, services, materials, supplies, buildings, structures, waterways, channels, water terminals, docking facilities and other benefits deemed for the public interest in the promotion of waterways and navigation in the State of Alabama.

Section 2. Such contracts, leases, compacts or other forms of agreement may contain such covenants and conditions as may be considered reasonable and necessary for public use only, including but not limited to, contributions by the State of lands, funds, dredged material disposal areas and necessary retaining dikes, rights of way, alteration or relocation of roads, bridges, and utilities, and related facilities for waterway and navigational improvement and expansion and may contain such other provisions for maintenance and idemification as may be required by the contracting agencies.

Section 3. The state, acting through its agency, the Alabama state docks department, is further authorized to regulate and promote the use, growth and development of any such project and the area surrounding the same and shall have the

right to make and enforce such rules and regulations regarding the use and maintenance of the waters adjacent to any such project.

Section 4. The state, acting through its agency, the Alabama state docks department, is further authorized and empowered, in acquiring real property for use in any such public project or program in which federal or federal-aid funds are used, to make all such relocation and other payments to or for displaced persons as are required under the provisions of Public Law No. 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 adopted by the United States Congress, and to provide such displaced persons with relocation services and make available to them replacement dwellings, as required by Public Law No. 91-646, and to follow and conform with the land acquisition policies set forth in the said Public Law No. 91-646, and to pay or reimburse owners of property so acquired in the manner specified in the said Public Law No. 91-646.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the part or parts which remain.

Section 7. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1090

H.J.R. 424—Smith (C)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REGINALD WILTON LAWLEY

WHEREAS, on September 25, 1975, R. W. Lawley, a life-long resident of Shelby County, died after a long life of service to his community and county; and

WHEREAS, Mr. Lawley was a member of the Shelby County Jury Commission for over sixteen years; and

WHEREAS, Mr. Lawley was a member of the Shelby

County Democratic Executive Committee for over thirty years; and

WHEREAS, he was a founder and President of the Senior Citizens Club in the Pea Ridge Community near Montevallo; and

WHEREAS, he devoted his life to working in all phases of government to make it function effectively to benefit the people of his community and county; and

WHEREAS, he was a member of the Methodist Church, Masons, Royal Arch, and the Eastern Star;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring that this body does mourn the passing of Reginald Wilton Lawley, and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Hester J. Lawley, Route 3, Montevallo; and to his sons, Mr. R. W. Lawley, Jr., Director of Development, University of Montevallo; and Mr. Don E. Lawley, Legal Counsel, Department of Examiners of Public Accounts.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1091

H.J.R. 425—Robertson, Merrill, Barron,
Plaster, Folmar, Callahan,
McCluskey, Naramore,
Riddick, Waggoner,
McNair, Weeks, Turnham,
Coburn

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE ALBERT CRAWFORD, BROTHER OF REPRESENTATIVE BUDDY CRAWFORD.

WHEREAS, George Albert Crawford, retired Navy Chief Petty Officer of San Anselmo, California and brother of Representative Buddy Crawford has recently died; and

WHEREAS, we share the grief of the Crawford family; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of George Albert Crawford, and express our deepest sympathy to the family of Rep. Buddy Crawford.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Rep. Buddy Crawford.

Approved October 10, 1975.

Time: 4:00 P.M.

Act No. 1092

H.J.R. 426—Robertson

HOUSE JOINT RESOLUTION

NAMING SENATE BILL 576 THE "LITTLETON-SMITH BILL".

WHEREAS, Senator Obie Littleton and Representative Curtis Smith, both of Clanton, Alabama, have worked tirelessly for the passage of the Confederate Memorial Park Bill, Senate Bill 576; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 576 be known as the "Littleton-Smith Bill."

Approved October 10, 1975.

Time: 4:00 P.M.